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1 Q. Now we've talked about the goal you have in the
2 Texas Department of Criminal Justice promoting the
3 safety of inmates. Are they also concerned with the
4 safety of the guards and the individuals who work in the
5 Texas Department of Criminal Justice?

6 A. Yes.

7 Q. Do all of you have these factors that you
8 described to help ensure the safety of the individuals
9 who work in the Texas Department of Criminal Justice?

10 A. Yes.

11 Q. And is the Texas Department of Criminal Justice
12 able to recruit people who work there as guards and
13 caretakers for the inmates?

14 A. Yes, the system is able to recruit employees,
15 from guards and nurses, teachers, psychologists, showing
16 that there is no generalized fear in the institution,
17 that it's generally safe, given the nature of the people
18 we send there.

19 Q. From your experience, is there a higher level
20 of security, meaning guards for individuals in prison,
21 than there is for individuals in civilian life?

22 A. Of course, there is more. The ratio between
23 the population and the guards are normally, on the
24 police officers' side, are, of course, much higher.

25 Q. And these guards, also the individuals in

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1 Parole Board to the sentencing Court, as well as to the
2 District Attorney's Office?

3 A. Yes.

4 Q. So they have immediate knowledge that this
5 individual is coming up before the Parole Board?

6 A. Yes.

7 Q. And they may respond accordingly?

8 A. Yes.

9 Q. You've talked a little bit about the
10 administrative segregation and high security units. In
11 passing, are there more of these units today?

12 A. Yes.

13 Q. Could you tell us how that came about?

14 A. Well, in the late '70's, early '80's -- or the
15 prison system became very violent in '82, '81. There
16 were twenty-eight fatal stabbings in that prison system.
17 So a new classification system was put in place, more
18 administrative segregation. And after the system was
19 put in place, the tally was dropped from twenty-eight
20 years to zero for a long time. It has crept back up to
21 six, four, eight, a year; and that is very good, given
22 that we send the worst of the worse of society to
23 prisons where they were back there packed in one very
24 small place.

25 Q. And I think you've indicated that how one

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1 prison, have to face the immediate consequence of their
2 bad acts; is that true?

3 A. Yes. They get the first brunt of any assaults
4 in the prison, so it's to their interest to control --
5 identify all the factors they can and control it.

6 Q. Is it possible for individuals in prison and on
7 the Parole Board to receive information from the
8 community from outside to help guide them and in
9 classifying and making decisions with regards to
10 inmates?

11 A. Yes.

12 Q. How is that done, if you could tell us, please?

13 A. Again, whatever the Court sends, if there is
14 any special things the prosecution may send, defense may
15 send. Five million people can send information if the
16 have the special information to help classify them.
17 Police records, of course, are investigated and their
18 jail records.

19 Q. Is it possible for members of the civilian
20 community to protest the -- so to speak -- release to
21 work or protest the way an individual may be housed?

22 A. That is, in the parole process and, you know,
23 what's going on, if you want to protest, you can do so.

24 Q. And is it not a fact that when the parole
25 process is initiated, that letters are sent from the

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1 performs in jail or in this institution prior to being
2 sent to prison, this is a hopeful predictor of how they
3 might behave in prison. Could you tell me why that is?

4 A. How they are behaving in the jail is a good
5 question, but a predictor; because that's as close as
6 you can get to what a prison's life would be. It's -- a
7 prison life is clearly more comfortable than a jail
8 life. But if you adjust to it well in difficult
9 situations, as in a jail, then the probability is you
10 will adjust well in the prison, and vice versa. If you
11 cannot adjust yourself to the rules, you would have
12 difficulty adjusting to the rules in the prison.

13 MR. WENTZ: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes.

16 Q. (BY MR. WENTZ) Doctor, can you identify what
17 I've had marked as Defendant's Exhibit No. 14 and 14-A?

18 A. This is a copy.

19 Q. Can you identify it?

20 A. Yes.

21 Q. Does it fairly and accurately represent what it
22 shows?

23 A. Yes.

24 Q. Were you actually present during its making?

25 A. Yes.

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1 MR. WENTZ: Upon tendering to opposing
2 counsel, we would offer into evidence Defendant's
3 Exhibit No. 14-A.

4 MR. MCCLELLAN: Based on his proffer, I
5 object to relevance.

6 THE COURT: Approach, please.

7 (Off-the-record discussion.)

8 THE COURT: Defense 14 is being offered on
9 the record. Any objection from the State?

10 Defense 14-A is admitted.

11 Q. (BY MR. WENTZ) Dr. Quijano, you have seen
12 Defendant's Exhibit No. 14-A?

13 A. Yes.

14 Q. Does it contain some pictures of some radios
15 that are shown in the video?

16 A. Yes.

17 Q. These radios, is there any special treatment
18 given to these radios before they are given to the
19 inmates?

20 A. Yes.

21 Q. What is done to the radios before they are
22 given to the inmates?

23 A. Radios in the prison cannot have speakers,
24 because noise adds to the -- noise from the radio adds
25 to the noise of the cell blocks. And the noise, of

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1 Q. Not only on where they live; but, in fact, they
2 could handcuff them, legcuff them, do all kinds of
3 stuff, couldn't they?

4 A. Yes.

5 Q. We knew all that before, didn't we?

6 A. Yes.

7 Q. Now you've been talking about people who
8 receive a life sentence and are sentenced to the
9 penitentiary, right?

10 A. Yes.

11 Q. You have not been talking about death row?

12 A. No.

13 Q. Okay. Now, you said that the age is the best
14 predictor of violence?

15 A. Yes.

16 Q. Now -- and that's what -- you arrived at that
17 conclusion because when you look at statistics about who
18 commits violence, you find out the younger people commit
19 more violent acts than older people?

20 A. Yes.

21 Q. Kind of a natural understanding, isn't it?

22 A. Yes.

23 Q. But among those people who have shown a
24 propensity to commit violence, are you saying that you
25 have information that says a person who's committed

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1 course, is associated with violence. So they have to
2 have their own earphones.

3 Q. So that the radios that are seen in this have
4 to have the normal speakers removed and are only able to
5 be listened to by means of headphones?

6 A. Yes.

7 Q. Is noise one of the constant factors in the
8 prison unit?

9 A. Yes.

10 MR. WENTZ: I pass the witness.

11 CROSS-EXAMINATION

12 BY MR. MCCLELLAN:

13 Q. Dr. Quijano, would it be a good summary of your
14 testimony so far to say that there are restrictions in
15 jail; is that right?

16 A. Yes.

17 Q. That it's more restrictive than in free
18 society?

19 A. Yes.

20 Q. That they can classify people and be more
21 severe if they need be?

22 A. Yes.

23 Q. That there are physical restrictions they can
24 put on people?

25 A. Yes.

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1 murder, then, always will, but because of age, become
2 less likely to commit murder? You don't have that type
3 of statistic, do you? I understand the general concept
4 that younger people do more violent acts and commit more
5 violence than somebody who's sixty or seventy years of
6 age. But somebody who has committed the offense of
7 murder, let's say, at a younger age, you have not done
8 any studies or are aware of any studies that says that
9 person may not continue to go on to commit violent acts
10 even as they grow older. Fine, it's going to diminish
11 it initially; but there is not any study that shows
12 convicted murderers at a young age never do violent acts
13 again?

14 A. There is no -- I cannot say never.

15 Q. Or that there is even -- you know, I understand
16 it's always going to be less just because of the natural
17 progression of age. But it's not the same statistic as
18 looking at the general population of who commits violent
19 acts, is it?

20 A. I think the best answer is a murderer -- a
21 murder in Texas prisons is most likely to be done by
22 murderers; but the murderers become less and less a
23 threat with age. But among the murders in prison,
24 almost all of them are done by murderers.

25 Q. Now you said one of the situations about

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1 classifying people is that, I guess, people who do
2 violent acts -- you said something about you had --
3 their badness had been proven. In other words, people
4 that would be in there for murder or for capital murder,
5 their badness has been proven so maybe they have less to
6 prove to someone else and are less likely to be
7 confronted by people. Is that what you were trying to
8 say?

9 A. Yes.

10 Q. So a person who had killed multiple people
11 would have a pretty strong badge, would they not?

12 A. Yes.

13 Q. So people wouldn't mess with them as much?

14 A. Yes.

15 Q. Now, you said that actions in jail while
16 awaiting trial is a good predictor of how people will
17 assimilate when they get to the penitentiary?

18 A. Yes.

19 Q. Well, let me ask you this: If you're on trial
20 for capital murder and you're waiting in jail for your
21 trial, isn't there a strong tendency for that inmate to
22 want to be squeaky clean; because if he's not, those
23 acts, bad acts, will be brought out in his trial to show
24 his future dangerousness?

25 A. Yes.

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1 Q. So then that's not a good predictor when you
2 have a person waiting trial for capital murder, because
3 he has a motive not to act up in the Harris County Jail
4 or the Lafayette Parish Jail, because he's awaiting
5 trial for capital murder. And if he did act up, they,
6 the State, could bring that type of information in to
7 show he would be a continuing threat, wouldn't it?

8 A. It's still a good predictor; because among
9 inmates waiting for trial, there are those who behave
10 and there are those who don't. And so in the prison
11 they are, of course, all wanting to go out on parole; so
12 they will also have that motive. But even there, there
13 are people, in spite of the fact that there is a
14 prospective trial or prospective parole, cannot behave.
15 So those who can are a better type of inmate than those
16 who cannot.

17 Q. Now you were talking about the security and
18 classification of people who get a life sentence for
19 capital murder, because that's what we're here about, is
20 a capital murder case? Now people who get a death
21 sentence, they, I assume, would be restricted more,
22 would they not, have more restrictions on their
23 movement, than a person who received a life sentence?

24 MR. HILL: Object. It's not material or
25 relevant, Your Honor.

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1 THE COURT: Overruled.

2 THE WITNESS: The people who are sentenced
3 to death are classified into two groups. The death row
4 assaultive; they go into a very restricted -- like in
5 the segregation, like death row inmates. The death row
6 inmates who are not assaultive in prison have a freer
7 status, but within the death row compound. They cannot
8 mix with general population.

9 Q. (BY MR. MCCLELLAN) I understand that. But
10 isn't even the freer death row more restrictive than the
11 lifers or not?

12 A. No. They can recreate together. They eat
13 together. And until recently, they worked together.
14 But the difference is they cannot get out of the death
15 row compound, and the death row compound is very highly
16 staffed.

17 Q. Well, now, they do the same type of
18 classification for death row inmates as they do for
19 lifers, right?

20 A. Yes.

21 Q. And even doing that same type of
22 classification, as you said, until recently they were
23 able to work together. And the recent events that
24 caused them not to be able to work together is the fact
25 that we had several people attempt to escape from

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1 T.D.C./ death row, and one person who did; is that
2 right?

3 A. Yes.

4 Q. Now you testify quite often, do you not, in
5 capital murder cases for the defense the same as you've
6 testified here?

7 A. Yes.

8 Q. All right. And, in fact, you testified, did
9 you not, in the Eric Kathy case, where I was one of the
10 representatives of the State of Texas?

11 A. Yes.

12 Q. And Mr. Wentz was a representative of
13 Mr. Kathy?

14 A. Yes.

15 Q. And you testified about the same as you have
16 here today; is that correct?

17 A. Yes.

18 Q. And then, in truth, in fact, when Eric Kathy
19 got to the Texas Department of Corrections on death row,
20 he was one of those inmates who then tried to escape;
21 isn't that true?

22 A. I do not know if he was one of them.

23 Q. Okay. Can you check into that and get back
24 with us?

25 A. Sure, but I can take your word for it.

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1 Q. Now prior to today -- I mean, you're a clinical
2 psychologist and do a lot of work and have done a lot of
3 work in that area. Prior to today, have you had an
4 opportunity to talk to and sit down and discuss with
5 Charles Mamou, Jr.?

6 A. No.

7 Q. Okay. Have you ever met Charles Mamou, Jr.?

8 A. No.

9 Q. This is Mr. Mamou, Jr., Charles Mamou, Jr.,
10 over here; and you've not met him before today?

11 A. No.

12 MR. MCCLELLAN: I'll pass the witness,
13 Your Honor.

14 MR. WENTZ: I have no questions.

15 THE COURT: All right. You may stand
16 down.

17 MR. WENTZ: Your Honor, may this witness
18 be excused?

19 THE COURT: Any objection?

20 MR. MCCLELLAN: No objection.

21 THE COURT: Approach.

22 Ladies and gentlemen, we're going to
23 adjourn for the evening. All the previous admonitions
24 are still in effect. You're not to discuss this case
25 among yourselves or anybody else. If anybody attempts

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1 fifteen days prior to Thanksgiving, 1998, and some
2 traffic arrests.

3 We took a break. When we returned, I
4 reversed myself where the defense could go into that
5 matter with the witness. The defense chose not to go
6 into those matters. The court reporter told me that was
7 not recorded, so that's what I'm clearing up now.

8 MR. HILL: That's correct, Your Honor.

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1 to talk to you about this case, bring it to my attention
2 immediately. Do not make any independent investigation
3 regarding this case.

4 Once again, if there should be any media
5 coverage of the case, you're to disregard it. Change
6 the station, turn it off, put the newspaper aside. If
7 there is something about the case tomorrow, we'll go
8 back into the same plan that we had for last Tuesday.
9 Again, bring a change of clothes, medications,
10 toiletries, if needed. Leave them in your vehicle when
11 you arrive tomorrow. I ask you to return at 10:00
12 o'clock tomorrow morning. Wear your badges in the jury
13 room.

14 Any questions? Any requested admonitions
15 or instructions from the State or defense?

16 MR. MCCLELLAN: None, Your Honor.

17 MR. HILL: No, Your Honor.

18 THE COURT: 10:00 a.m. tomorrow morning in
19 the jury room.

20 (Outside jury's presence:)

21 THE COURT: With reference to the State's
22 punishment witness, Patricia Gibson, before she
23 testified outside the presence of the jury, I initially
24 ruled the defense would not be allowed to go into jail
25 confinement for Terrence Gibson for the twelve to

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1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Pamela Kay Knobloch, Official/Deputy
4 Official Court Reporter in and for the 179th District
5 Court of Harris County, State of Texas, do hereby certify
6 that the above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the Reporter's
10 Record, in the above-styled and numbered cause, all of
11 which occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's Record
14 of the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$ _____ and
18 was paid by Harris County.

19 WITNESS MY OFFICIAL HAND this the ____ day of
20 _____, 2000.

14

15

16 Pamela Kay Knobloch, Texas CSR No. 1650
17 Expiration date: 12/31/2000
18 Official Court Reporter, 179th District Court
19 Harris County, Texas
20 301 San Jacinto
21 Houston, Texas 77002
22 713.755.6340

23 APPELLANT: CHARLES MAMOU, JR.
24 CAUSE NO. 800112
25

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REPORTER'S RECORD

VOLUME 23 OF 25 VOLUMES

TRIAL COURT CAUSE NO. 800112

CHARLES MAMOU, JR.) IN THE DISTRICT COURT
Appellant)
)
VS.) HARRIS COUNTY, TEXAS
)
THE STATE OF TEXAS)
Appellee) 179TH JUDICIAL DISTRICT

PUNISHMENT HEARING

On the 14th day of October, 1999, the following
proceedings came on to be heard in the above-entitled and
numbered cause before the Honorable Michael Wilkinson,
Judge Presiding, held in Houston, Harris County, Texas:

Proceedings reported by computer aided
transcription/stenograph machine.

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EXHIBITS

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3

1 (Jury is brought in and seated.)

2 THE COURT: Please be seated.

3 Call your next, please.

4 MR. WENTZ: Dorothy Morgan.

5 THE COURT: Proceed, please.

6 DOROTHY MORGAN,

7 having been first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. WENTZ:

10 Q. Would you please tell us your name?

11 A. I'm Dorothy Morgan.

12 Q. And Mrs. Morgan, could you tell us where you
13 live?

14 A. I live in Angleton, Brazoria County, Texas.

15 Q. How are you employed, please?

16 A. I'm the parole supervisor for the Southern
17 Region Institutional Parole Office.

18 Q. And could you briefly describe what you do in
19 that position?

20 A. The primary purpose of an institutional parole
21 officer is to interview offenders that become eligible
22 for parole consideration. There are many, many duties;
23 but my primary responsibility is to supervise those
24 officers who do that.

25 Q. And approximately how many such officers are

4

1 there in your district?

2 A. In our region there are thirty-four.

3 Q. How long have you been employed in that
4 capacity?

5 A. With the parole division, eighteen-and-a-half
6 years.

7 Q. And in the course of your eighteen-and-a-half
8 years with the Parole Board, have you become familiar
9 with their procedures and their policies?

10 A. Yes, sir.

11 Q. In the course of your job, have you had
12 occasion to prepare what I will call a parole case
13 summary?

14 A. Yes.

15 Q. And tell us what that is.

16 A. A case summary is an instrument that's prepared
17 by the parole officer when an offender has become
18 eligible for parole consideration. This is -- the
19 primary purpose of that is for the Parole Board members,
20 the voting members, to have it to assist them in making
21 decisions. And it also is for a field supervisor who
22 supervises the release when he is on the street.

23 Q. And in the course of your eighteen-and-a-half
24 years with the Parole Board, have you had occasion to
25 prepare many or few of those documents?

5

1 A. Many.

2 Q. And you've talked about the purpose that the
3 parole case summary has. What is the overall role of
4 the Parole Board here in Texas?

5 A. The goal of the parole division would be to
6 protect society first, and then to -- it's staffed to
7 assist the offender into reintegration back into
8 society.

9 Q. The parole case summary -- if an individual was
10 found guilty of capital murder and received a life
11 sentence, would a parole case summary be prepared for
12 that inmate when his case came before the Parole Board?

13 A. Yes.

14 Q. And in preparing that parole case summary,
15 would it include a section that was devoted to his
16 criminal history?

17 A. Yes, sir.

18 Q. And would that include his juvenile history, as
19 well as his adult history?

20 A. It would include from the time he was ten years
21 of age to the present, the day you're interviewing him.

22 Q. And in compiling that report, do you try to be
23 as complete as you possibly can?

24 MR. MCCLELLAN: I object to leading.

25 THE COURT: I'm going to allow this. Go

6

1 ahead.

2 THE WITNESS: Yes.

3 Q. (BY MR. WENTZ) In addition to the criminal
4 history, is there a section called additional
5 information?

6 A. Yes, there is.

7 Q. What information do you put in that section?

8 A. That section would contain all of the arrests
9 the offender has had from the time he reached seventeen
10 years of age, because it's only for adult history. It
11 would be misdemeanor offenses that they receive jail
12 time, time served; and also, it includes any
13 investigations where the offender actually did not
14 receive any punishment but the case was dismissed for
15 some reason, or perhaps pled to a greater charge and
16 that offense was dismissed. Also, in that section we
17 describe any assaultive sexual-related offenses that he
18 has been sentenced and received probation and/or
19 incarceration as an adult.

20 Q. If an individual had a case with which he was
21 not charged, would that be included in that section,
22 also?

23 A. Yes, it is. And the -- we refer to it as just
24 investigation of. However, it is the responsibility of
25 the officers to put why it was dismissed or whatever the

7

1 disposition happened to be.

2 Q. Is there also a section called offense
3 information?

4 A. Yes.

5 Q. And what particular type of information is
6 included in that particular section?

7 A. That section is the -- what we refer to as the
8 present offense history. In other words, what he's been
9 convicted of, what he's serving time for now. And we
10 answer all of the investigative questions; who, what,
11 when, where, and why, and include that in detail in the
12 offense.

13 Q. In preparing that section, do you have access
14 to the police report that might be generated from that
15 case?

16 A. Yes, we do.

17 Q. In preparing the parole case summary, do you
18 also inquire into substance abuse?

19 A. Yes.

20 Q. And is there a section devoted to that in the
21 parole case summary?

22 A. Yes, there are two sections, the alcohol, as
23 well as the drug section.

24 Q. Is there an inquiry made into the physical
25 condition or the physical status of the inmate?

9

1 disciplinary cases. Is he in school? Is he in
2 vocational training? Does he have any gang-related
3 affiliation either during the prison -- is he still
4 active in gang activities, or was he a member of gang
5 activities when he was on the street?

6 Q. In collecting all of this information for the
7 parole case summary, is there an attempt to identify
8 positive case considerations for that particular inmate?

9 A. Yes, there is.

10 Q. And what might that include?

11 A. Would include any positive characteristics that
12 the offender that's being interviewed -- that we would
13 observe through the interview. It could simply be -- we
14 feel that every individual has some positive
15 characteristics; so if he's only completed a certain
16 grade and has a G.E.D. or completed high school or
17 college, we would perhaps give him that as a positive
18 characteristic. Also, if he is a first offender, we
19 would give that to him as a positive.

20 Q. Does the parole case summary also have a
21 section devoted to a negative case history for the
22 particular inmate?

23 A. It does.

24 Q. What might that include?

25 A. That would be any negative characteristics. Is

8

1 A. Yes, there is.

2 Q. And is that over the entire period of time that
3 he is housed in the Texas Department of Criminal
4 Justice?

5 A. We also attempt to get prior -- any problems
6 that he had prior to coming to T.D.C.J.I.D.

7 Q. Is there a section devoted to his mental
8 condition, any psychiatric problems that he may or may
9 not have?

10 A. Yes, there is a section for that.

11 Q. And would that include reports of doctors he
12 may have seen in prison --

13 A. Yes.

14 Q. -- as well as out of prison?

15 A. Right.

16 Q. Is there a section including institutional
17 adjustment or adjustments?

18 A. Yes.

19 Q. What does that focus on?

20 A. That's details of the offender's adjustments
21 during his incarceration, anything that he has
22 completed, any programs, any self-improvement programs
23 that are offered. It also includes his classification.
24 Is he a trustee or -- which means he's a -- well, what
25 we would refer to as a good offender. He's not had

10

1 he, for instance, a drug abuser under the influence of
2 drugs and/or alcohol when the offense was committed? Is
3 he a youthful offender that began committing crimes at
4 an early age, no vocational skills, unstable work
5 history, those items.

6 Q. Concluding the case summary, is there also a
7 section devoted to a case analysis for that particular
8 inmate?

9 A. For offenders that have sexual-related
10 offenses, or violent offenses, or history of, we do a
11 case history analysis.

12 Q. And is that in an effort to bring together all
13 of the information you have into one succinct summary?

14 A. It is.

15 Q. And for each inmate, is there also an
16 individual treatment plan?

17 A. There is.

18 Q. And is that individual treatment plan truly
19 individual, or is it a standard plan given to every
20 inmate?

21 A. No, it's individual. There is what's called a
22 treatment team that has the offender in for an
23 interview, along with the parole officer; and they look
24 at all of his needs and set those needs up by
25 priorities. Like education, is it a high need? And

11

1 also by the length of his sentence.

2 Q. Did you attempt to supplement the parole case
3 summary with any of the statistical input?

4 A. Yes.

5 Q. And could you tell us what a Pablo scale is?

6 A. The Pablo scale is an indicator of the level of
7 supervision that the offender most likely would need to
8 be placed on when he's released on the street.

9 Q. Is there also a violent risk assessment score
10 completed?

11 A. On violence or sex-related offenses, yes.

12 Q. And would somebody who had been found guilty of
13 capital murder fall within that category?

14 A. Yes.

15 Q. In completing the violent risk assessment
16 score, there might be some confusion as to whether or
17 not a crime was a misdemeanor or a felony. How are you
18 supposed to consider that offense?

19 A. If there is a question on it, we consider it as
20 a felony.

21 Q. If a juvenile might have a crime for which an
22 adult would be charged with a felony, how does the risk
23 assessment score tell you to consider that juvenile
24 problem?

25 A. It's a felony as an adult.

13

1 Q. And who would that be?

2 A. That would be all of the trial officials, and
3 it would also be any victim that has asked or has filed
4 with the Victims' Services in Austin.

5 Q. Would the District Attorney's Office be
6 contacted?

7 A. Yes, the D.A. would be.

8 Q. Would the sheriff for Harris County be
9 contacted?

10 A. If he was convicted in Harris County or the
11 trial was moved to Harris County, he would be.

12 Q. Can you tell us how parole for an individual
13 found guilty of capital murder, who has received a life
14 sentence -- well, when does an individual who has been
15 convicted of capital murder and received a life
16 sentence -- when is that person eligible for parole if
17 they were convicted in October of 1999?

18 A. They would not be eligible for parole
19 consideration for forty flat years.

20 Q. Who considers whether or not that individual
21 would get parole?

22 A. The members of the Board of Pardons and
23 Paroles.

24 Q. And how many individuals would have to make
25 that decision for somebody found guilty of capital

12

1 Q. What happens to this parole case summary after
2 it's completed?

3 A. The parole case summary goes to the Board of
4 Pardons and Parole members.

5 Q. Is it essentially put in a board file?

6 A. Yes.

7 Q. What other information is put into the board
8 file?

9 A. The board file -- or just recently has been
10 designated -- it's called the division file. Contains
11 all of what's referred to as a pen packet, which is a
12 judgment and sentence, the indictment, offense reports,
13 presentence investigation, any victim information, any
14 protest letters.

15 Q. Now what do you mean by protest letters?

16 A. Protest letters -- any citizen can protest an
17 offender being released on parole to the Parole Board.

18 Q. Would that letter or information be sent to the
19 Parole Board by the concerned civilian citizen?

20 A. Yes, and it's kept in what is referred to as
21 the division file. This is their permanent file.

22 Q. When an individual inmate is about to be
23 considered by the Parole Board, is anyone notified of
24 this pending action?

25 A. Yes.

14

1 murder who received a life sentence?

2 A. There are eighteen voting board members, and
3 all eighteen have to vote on a case like that, and there
4 has to be a two-thirds majority vote for the offender to
5 be released.

6 Q. How is that different from the normal case?

7 A. A normal case would be only three board members
8 vote, a panel of three. And you have to have two to
9 vote positive.

10 Q. When do you begin to collect all of this
11 information to place before the Board of Pardons and
12 Paroles?

13 A. The file material, of course, gathers
14 information from the time of his incarceration; however,
15 the parole officer would only receive that file material
16 approximately six months prior to his eligibility date
17 and interview him, and it would then go to the Parole
18 Board for voting within a two-month window of that time.

19 Q. So, essentially, the inmate who has been found
20 guilty of capital murder, this information is not
21 collected until thirty-nine years and six months had
22 passed, correct?

23 A. Exactly.

24 Q. And in addition to that period of time, all of
25 the rest of his life that you were able to inform

15
 1 yourself of would be placed before the Board of Pardons
 2 and Paroles, also?
 3 A. Yes.
 4 MR. WENTZ: Your Honor, may we approach?
 5 THE COURT: Yes.
 6 (At the bench:)
 7 MR. WENTZ: At this time I'm going to pass
 8 Mrs. Morgan; however, we would ask that there be a
 9 motion in limine as to cross-examination relating to
 10 changes in the board -- changes in the parole law; and
 11 those things might be considered, also.
 12 THE COURT: On what authority?
 13 MR. MCCLELLAN: Because he wants it.
 14 MR. WENTZ: It also involves speculation
 15 on the part of this witness as to what the Legislature
 16 would do.
 17 THE COURT: Motion denied.
 18 (Continuing in the jury's hearing:)
 19 MR. WENTZ: We would pass.
 20 MR. MCCLELLAN: May I proceed, Your Honor?
 21 THE COURT: Yes.
 22 CROSS-EXAMINATION
 23 BY MR. MCCLELLAN:
 24 Q. Mrs. Morgan, my name is Lyn McClellan. I don't
 25 believe we've met before; is that correct?

16
 1 A. No.
 2 Q. Now you worked with the Parole Board -- that's
 3 the correct terminology -- for eighteen-and-a-half
 4 years?
 5 A. The parole division.
 6 Q. Parole division for eighteen-and-a-half years?
 7 A. Yes, sir.
 8 Q. And during that eighteen-and-a-half years,
 9 you've seen lots of changes, have you not?
 10 A. I have.
 11 Q. And those changes have gone sometimes up, as
 12 far as parole eligibilities, and sometimes down?
 13 MR. WENTZ: Your Honor, we would object;
 14 because this is a capital murder case, and only the
 15 consideration as to a capital murder parole situation
 16 should be considered by this jury. It would not be
 17 material and not relevant as phrased with this
 18 particular witness.
 19 THE COURT: I don't know he's asking
 20 anything other than about capital yet. It's overruled
 21 at this point.
 22 Q. (BY MR. MCCLELLAN) You've seen lots of changes
 23 in that regard; is that correct?
 24 A. I have.
 25 Q. All right. And there was a time, was there

17
 1 not, when the parole laws were a certain way; and the
 2 Legislature changed the law, and you have to abide by
 3 whatever the Legislature changes; is that correct?
 4 A. That is true.
 5 Q. So today, as we sit here today, a person so
 6 convicted of capital murder and receives a life sentence
 7 must serve for forty calendar years?
 8 A. That is right.
 9 Q. You are not implying to this jury, are you,
 10 that that could never be changed?
 11 MR. WENTZ: Objection. It calls for
 12 speculation on the part of the witness, Your Honor.
 13 THE COURT: It's overruled.
 14 Q. (BY MR. MCCLELLAN) You're not implying to the
 15 jury they could never be changed, are you?
 16 A. Well, I couldn't tell the jury that it would be
 17 or would not be. I'm just saying, I know today. And
 18 no, I cannot tell them that.
 19 Q. All right. Because that's not always been the
 20 law. Forty years day-for-day has not always been the
 21 law. It's a pretty recent situation.
 22 A. That is true; however, it was less time. It
 23 was thirty-five.
 24 Q. And before that it was even less time, wasn't
 25 it? Even before that, it was a life sentence, you

18
 1 might get out in eight or nine years?
 2 A. Could be. Not capital felony.
 3 Q. Are you sure about that?
 4 A. I'm not an attorney, no, I wouldn't say.
 5 Q. You said that the -- so you cannot guarantee
 6 the ladies and gentlemen of the jury that forty years,
 7 calendar years, day-for-day, will never ever be changed.
 8 You can't assure us of that, can you?
 9 A. I can only tell the jury what it is today.
 10 Q. I understand, which means you cannot assure us
 11 it can never be changed?
 12 A. Right.
 13 Q. You indicated that the goal of the parole
 14 division, the first goal, is to protect society?
 15 A. True.
 16 Q. Over those eighteen-and-a-half years that
 17 you've been associated with the parole division, because
 18 of restrictions put on you by the Legislature and other
 19 things out of the control of the individuals, that's
 20 been a goal that has not necessarily been met very well;
 21 would you agree?
 22 MR. WENTZ: Your Honor, we're going to
 23 again object to the form of the question; because it has
 24 to be addressed to the capital murder inmate, not a
 25 parole inmate.

19

1 THE COURT: It's overruled.

2 Q. (BY MR. MCCLELLAN) Would you agree that the
3 goal of protecting society, or in the determination of
4 when someone should be paroled as a result, not
5 necessarily the parole person's decision, but because of
6 restrictions and things out of your control put on you
7 by the Legislature has made it hard to make that a
8 successful goal to be accomplished?

9 A. I could only answer that by telling you there
10 certainly have been problems with individuals that have
11 been released on parole.

12 MR. MCCLELLAN: I'll pass the witness,
13 Your Honor.

14 REDIRECT EXAMINATION

15 BY MR. WENTZ:

16 Q. Mrs. Morgan, in this eighteen-and-a-half years
17 that you've been with the Board of Pardons and Paroles,
18 has, indeed, the time for an individual inmate who has
19 been found guilty of capital murder -- has the time that
20 they have required to spend always increased?

21 A. Yes.

22 Q. And as things stand today, a capital murder
23 inmate has to serve longer on parole than any other
24 case?

25 A. Yes.

21

1 SHANNON JOHNSON,

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HILL:

5 Q. Will you please state your name for the members
6 of the jury?

7 A. Shannon Johnson.

8 Q. How old are you?

9 A. Twenty-two.

10 Q. All right. And where do you live?

11 A. 4626 Rosebud.

12 Q. Is that here in Houston, Texas?

13 A. Yes.

14 Q. Who do you live with?

15 A. My mother and my son.

16 Q. Okay. And where did you go to school?

17 A. Lamar High School.

18 Q. All right. And do you work?

19 A. Not right now.

20 Q. Up until last Friday, where were you working?

21 A. At Kelsey-Seybold Clinic.

22 Q. What type of work did you do there?

23 A. Insurance verification.

24 Q. Were you on a contract with them that ended
25 last Friday?

20

1 MR. WENTZ: I pass the witness.

2 MR. MCCLELLAN: I have nothing further
3 Your Honor.

4 MR. WENTZ: Your Honor, at this time we
5 would like to publish to the jury Defendant's Exhibit
6 No. 14, the video.

7 THE COURT: Okay.

8 (Video playing.)

9 MR. WENTZ: Your Honor, at this time we'd
10 like to -- Your Honor, at this time we would like to
11 fastforward, since this is obviously information that
12 pertains to the Court's ruling. It has no meaning to
13 the jury.

14 (Video playing.)

15 MR. WENTZ: Your Honor, at this time we
16 would conclude the video presentation. And if the jury
17 wishes to see the remainder of the tape, they may have
18 it at their disposal.

19 THE COURT: Well, it may be played for
20 them if they request it to be replayed in the courtroom.

21 All right. Call your next, please.

22 MR. HILL: Shannon Johnson.

23 THE COURT: Proceed, please.

24

25

22

1 A. Yes.

2 Q. Are you seeking employment at this time?

3 A. Yes.

4 Q. Shannon, do you know the gentleman seated two
5 seats over from me on my right?

6 A. Yes.

7 Q. And could you tell the members of the jury who
8 that person is?

9 A. Charles Mamou.

10 Q. All right. How long have you known Charles
11 Mamou?

12 A. About a year-and-a-half.

13 Q. Let me draw your attention to September 5th of
14 1998, last year during the Labor Day weekend. Did you
15 have an occasion to be with Charles Mamou on September
16 5th of 1998?

17 A. Yes.

18 Q. Would you tell the members of the jury how you
19 came to be with him on that day?

20 A. Well, it was around 5:00 o'clock, I went over
21 to my friend, Blondell's house.

22 Q. What is Blondell's last name?

23 A. Richardson.

24 Q. Why would you go over there?

25 A. Because Chucky was over there.

23

1 Q. Is Blondell Richardson an individual that
2 Mr. Mamou would stay with?

3 A. Uh-huh.

4 Q. And is Blondell Richardson a friend of yours?

5 A. Yes.

6 Q. How long have you known her for?

7 A. Since we was three years old. We grew up
8 together.

9 Q. All right. Do you know whether or not Blondell
10 Richardson is currently engaged?

11 A. Yes, she is.

12 Q. Have you met her fiance?

13 A. Uh-huh.

14 Q. Can you tell us what occurred when you went
15 over to Blondell's house at approximately 5:00 o'clock
16 on September 5th of 1998?

17 A. Well, we were all just there; and we was
18 supposed to be leaving to go to Lafayette or Sunset.

19 Q. When you say we, who are you talking about?

20 A. Me, Chucky, and Blondell.

21 Q. Chucky, being Charles Mamou, Jr.?

22 A. Uh-huh.

23 Q. So what occurred?

24 A. Well, we were supposed to leave. And Blondell
25 wanted to go to the mall, and she left about 6:00

25

1 did he ever leave on his own, leaving you there with
2 Blondell?

3 A. No.

4 Q. Can you tell the members of the jury what time
5 you left to go to Sunset and Lafayette, Louisiana, and
6 approximately what -- well, when you left, and how did
7 you leave, who was driving in what vehicle?

8 A. We left around 12:30, me and Blondell was in
9 one car. That was the Stratus. And Chucky was driving
10 the Cadillac.

11 Q. When you arrived in the Lafayette area, where
12 did you go?

13 A. We went to his aunt's house.

14 Q. Is that in Sunset, Louisiana, or Lafayette?

15 A. Sunset.

16 Q. Did you have an occasion to spend part of the
17 weekend there in that area?

18 A. Yes.

19 Q. All right. And where did you spend that time?

20 A. At the Ramada Inn.

21 MR. HILL: May I approach the witness,
22 Your Honor?

23 THE COURT: Yes.

24 Q. (BY MR. HILL) Miss Johnson, I'm going to show
25 you what's been marked for identification as Defendant's

24

1 o'clock. And so then, me and Chucky went to my house to
2 get me some change of clothes; and then when we came
3 back -- we arrived about 7:30 -- Blondell still wasn't
4 there. She didn't arrive till 9:30. Then she had to
5 take a bath, put on some clothes, or whatever; so, we
6 didn't leave the house till about 10:30.

7 Q. Can you tell us what type of vehicle you were
8 driving in?

9 A. Dodge Stratus.

10 Q. You were in that Dodge Stratus?

11 A. Yes.

12 Q. What type of vehicle is that? What color was
13 it?

14 A. Green.

15 Q. What type of vehicle was Mr. Mamou in?

16 A. Cadillac.

17 Q. So, can you tell us what you and Mr. Mamou did
18 during the time period when Blondell had left to go to
19 the mall? Were you together with Mr. Mamou during that
20 time period?

21 A. Yes.

22 Q. At the time that Blondell returned,
23 approximately 7:30 p.m., from that time until the time
24 you left to go to Lafayette, Sunset, Louisiana, was
25 Mr. Mamou outside of your presence? In other words,

26

1 Exhibits No. 12 and 13 and ask you if you recognize
2 those photographs?

3 A. Yes.

4 Q. All right. Do those photographs truly and
5 accurately depict what they purport to be depicting, and
6 were they taken when you were in the Lafayette region
7 with Mr. Mamou?

8 A. Yes.

9 MR. HILL: Your Honor, after tendering to
10 State's counsel, we would move to introduce Defendant's
11 Exhibits Nos. 12 and 13.

12 MR. MCCLELLAN: No objection.

13 THE COURT: Defendant's 12 and 13 are
14 admitted.

15 Q. (BY MR. HILL) What do these photographs depict,
16 Miss Johnson?

17 A. That's of me and Chucky in a hotel room.

18 Q. That's this one, No. 12?

19 A. Yes.

20 Q. Who took that picture?

21 A. Blondell.

22 Q. What's depicted in No. 13?

23 A. That's just me by myself.

24 Q. Can you give us a description of what Blondell
25 looks like, please?

27

1 A. Light-skinned, kind of chubby, about
2 five-eight, long hair, wears glasses.
3 Q. Do you know whether or not Blondell's fiance --
4 have you met with him since this case has been pending?

5 A. I've seen him, yes.

6 Q. Okay. And do you know whether or not Blondell
7 can be here?

8 A. No.

9 MR. MCCLELLAN: I object to being hearsay,
10 Your Honor.

11 THE COURT: Sustained.

12 MR. HILL: May I have just a moment?

13 I'll pass the witness, Judge. Thank you.

14 CROSS-EXAMINATION

15 BY MR. MCCLELLAN:

16 Q. Miss Johnson, my name is Lyn McClellan. I
17 don't believe we've met before; is that correct?

18 A. That's correct.

19 Q. Okay. Were you with the defendant, also, on
20 September 4th, 1998?

21 A. Well, I seen him that day, yes.

22 Q. What about September the 3rd?

23 A. Yes, he had been in town a couple of -- like a
24 week before we left.

25 Q. Okay. So he had been in town since what?

28

1 Sometime in August?

2 A. Uh-huh, yes.

3 Q. And where was he staying there all this time?

4 A. He was staying with Blondell.

5 Q. Blondell?

6 A. Uh-huh.

7 Q. Is there some particular reason he wasn't
8 staying with you?

9 A. I stayed with my mother.

10 Q. Okay. Do you have a child by the defendant?

11 A. No.

12 Q. Okay. What's your relationship with the
13 defendant?

14 A. He's a friend of mine.

15 Q. Okay. Now the Cadillac you said that he was
16 driving, is that his Cadillac?

17 A. Yes.

18 Q. So when he came to Houston from wherever he
19 came from in August of '98, he was driving a Cadillac?

20 A. Yes.

21 Q. And he drove the Cadillac all around town, I
22 assume?

23 A. Yes.

24 Q. Had you ever seen him with the Cadillac in
25 December of 1998, when he came back to town in December?

29

1 A. No, I didn't see him; but I talked to him on
2 the phone.

3 Q. Okay. How many times did you talk to him in
4 December of 1998?

5 A. A couple of times. I know his birthday was on
6 the 6th; so I talked to him that day, I know.

7 Q. About what time did you talk to him on the 6th
8 of December, 1998. Was it in the evening, the evening
9 hours, or when?

10 A. I believe so, evening.

11 Q. So you were talking to him when? Maybe around
12 9:00 or 10:00 or 11:00 o'clock?

13 A. No, possibly wasn't that late.

14 Q. Where was he when you were talking to him? Do
15 you know?

16 A. No.

17 Q. Did he tell you what he was doing?

18 A. No.

19 Q. Did you talk to him on the 7th of December,
20 1998?

21 A. I'm not sure.

22 Q. Why are you so sure about September the 5th,
23 1998?

24 A. Because it was Labor Day weekend, and that was
25 the day of the game, T.S.U. and Prairie View. That was

30

1 the day of the Labor Day game.

2 Q. And you went to the game?

3 A. No.

4 Q. So that's --

5 A. But it was letting out when we were leaving.
6 She stays right by the Astrodome. And the 7th of
7 September is his (sic) birthday, and that was that
8 Monday.

9 Q. 7th of September is Blondell's birthday?

10 A. Uh-huh.

11 Q. So her birthday and the defendant's birthday
12 are one day apart?

13 A. No, his birthday is in December.

14 Q. Oh, September the 7th. I thought you meant
15 December the 7th.

16 A. No.

17 Q. So it was her birthday, right? When was it
18 that you recall when you were first -- do you remember
19 whether or not you had been with the defendant on
20 September the 5th of 1998? When was it that someone
21 first asked you were you with the defendant on September
22 the 5th of 1998?

23 A. When I talked to the lawyer.

24 Q. Okay. When was that?

25 A. About three weeks ago.

31
1 MR. MCCLELLAN: I'll pass the witness,
2 Your Honor.
3 MR. HILL: I have no further questions,
4 Judge.
5 THE COURT: You may stand down.
6 Call your next, please.
7 MR. WENTZ: We would call David Green.
8 THE COURT: Proceed, please.
9 DAVID WAYNE GREEN,
10 having been first duly sworn, testified as follows:
11 DIRECT EXAMINATION
12 BY MR. WENTZ:
13 Q. Would you please tell us your name?
14 A. David Wayne Green.
15 Q. And Mr. Green, where do you live?
16 A. Sunset, Louisiana.
17 Q. And whereabouts in Sunset, Louisiana?
18 A. On Martin Luther King.
19 Q. Do you know a gentleman by the name of Charles
20 Mamou, Jr.?
21 A. Yes.
22 Q. And do you see him in the courtroom today?
23 A. Yes, sir.
24 Q. Could you identify him by an article of
25 clothing that he's wearing?

32
1 A. A black jacket.
2 MR. WENTZ: May the record reflect he has
3 identified the defendant?
4 THE COURT: It will.
5 Q. (BY MR. WENTZ) Are you related to Charles?
6 A. Yes.
7 Q. In what way?
8 A. First cousin.
9 Q. Let me refer you to Labor Day weekend of 1998,
10 and Saturday of that weekend, which is September 5 of
11 1998. Is there any special reason that you would
12 remember that weekend?
13 A. Yeah, we had a family wedding.
14 Q. What was the name of the family member that was
15 having that wedding?
16 A. Joe Mamou.
17 Q. Did you have occasion to see Charles the
18 evening of September 5, 1998, or in the early morning of
19 September 6th, 1998?
20 A. Yes, sir.
21 Q. Where did you see him?
22 A. At my house.
23 Q. Was he with anyone?
24 A. Yes, sir.
25 Q. Who was he with?

33
1 A. Two girls.
2 Q. Had you ever seen those girls before?
3 A. No, sir.
4 Q. When they arrived, did you know they were going
5 to be arriving?
6 A. No, sir.
7 Q. You've seen a young lady we -- wearing an
8 orange cotton T-shirt with the words GAP across it. Had
9 you ever seen that young lady before?
10 A. Yes, sir.
11 Q. And when was that, please?
12 A. To my house.
13 Q. Is that one of the ladies that came to your
14 house that evening?
15 A. Yes, sir.
16 Q. Could you tell us what happened when they
17 arrived?
18 A. Charles had knocked on the door. My mother was
19 getting off of work, and her friend needed to use the
20 restroom.
21 Q. Now had you ever seen this friend before?
22 A. No, sir.
23 Q. Do you know her name?
24 A. No, sir.
25 Q. Could you describe her in terms of her physical

34
1 characteristics?
2 A. Kind of short build, kind of heavysset.
3 Q. Did she come into your house?
4 A. Yes, sir.
5 Q. For what reason, if you know?
6 A. Use the restroom.
7 Q. Did Charles and these two young ladies leave
8 your home that evening?
9 A. Yes, sir.
10 Q. About how long did they stay?
11 A. About twenty minutes.
12 Q. And that was the first time that you had ever
13 seen this young lady before?
14 A. Yes.
15 MR. WENTZ: Pass the witness.
16 CROSS-EXAMINATION
17 BY MR. MCCLELLAN:
18 Q. Mr. Green, you say your mother was getting off
19 work?
20 A. Yes.
21 Q. Where does she work?
22 A. At a nursing home.
23 Q. Nursing home?
24 A. Yes, sir.
25 Q. She works on Sunday?

35

1 A. Yes, sir.

2 Q. And she works, what, seven days a week?

3 A. Yes, sir.

4 Q. No days off?

5 A. It all depends.

6 Q. All right. Do you know what days off she had
7 that week?

8 A. She have different schedules.

9 Q. What time -- what hours does she work? Does
10 she work different schedules?

11 A. She works like from 3:30 to 12:00 or 1:00,
12 somewhere around there.

13 Q. 3:30 in the afternoon?

14 A. In the morning.

15 Q. In the afternoon?

16 A. Yes.

17 Q. Till 12:00 or 1:00 in the afternoon?

18 A. Yes, sir.

19 Q. And at the time they arrived it was -- she was
20 getting off work?

21 A. Yes, sir.

22 Q. Now you say Joe Mamou was getting married. Was
23 he related to the defendant, Charles Mamou?

24 A. Yes, sir.

25 Q. What relationship is that?

36

1 A. His uncle.

2 Q. His uncle. Okay. Where is Joe Mamou today?
3 Do you know?

4 A. Stay in Sunset.

5 MR. MCCLELLAN: I'll pass the witness,
6 Your Honor.

7 MR. WENTZ: I don't have any further
8 questions, Your Honor.

9 THE COURT: Call your next, please.

10 MR. HILL: Angelice Mamou. May I proceed,
11 Your Honor?

12 THE COURT: Please.

13 ANGELICE MARY JOHNSON MAMOU,
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. HILL:

17 Q. Could you please state your name for the
18 members of the jury?

19 A. My name is Angelice Mary Johnson Mamou, Johnson
20 because I'm divorced.

21 Q. Where do you live, ma'am?

22 A. I live in Sunset, at 126 West Martin Luther
23 King Drive.

24 Q. Sunset is where?

25 A. Louisiana, sorry.

37

1 Q. That's okay. And how many children do you
2 have?

3 A. I have six.

4 Q. And do any of those children live in the home
5 with you currently?

6 A. Yes, I have three that's living with me right
7 now.

8 Q. Do you know the individual seated to my right
9 wearing the dark suit?

10 A. Yes, that's my son, my first born.

11 Q. That's Charles Mamou, Jr.?

12 A. That's Charles Mamou, Jr.

13 Q. When was Charles born? What year?

14 A. December 6th, 1974.

15 Q. Okay. Would you tell the members of the jury a
16 little bit about Charles' upbringing? Where did he
17 grow up? Where did you guys move to and from as he was
18 a young person?

19 A. He was born in Lafayette, Louisiana, at Charity
20 Hospital. We came to Houston. I think he may have been
21 maybe three weeks when we came to live here with his
22 dad.

23 Q. Okay. At the time that Charles was born at the
24 Charity Hospital in Lafayette, were you and his father
25 together?

38

1 A. Oh, yeah, we were together. It's just that
2 there is no relative of mine, personally, here; so in
3 order to help me take care of the baby, I went back
4 home.

5 Q. But you moved out to Houston when Charles was
6 three weeks old?

7 A. Yes.

8 Q. Was his father working out here?

9 A. Yes.

10 Q. Where was his dad working? Do you remember the
11 name of the company?

12 A. Oh, gosh, I really don't remember the name of
13 the company; but I know he was a hydraulic mechanic.

14 Q. For how long a period of time did you and the
15 family stay here in Houston?

16 A. Off and on, I guess, five years.

17 Q. When you say off and on, did you move back and
18 forth between Sunset and Houston?

19 A. Yes, I did.

20 Q. Where was the bulk of your family members, your
21 extended family?

22 A. In Sunset, in Louisiana.

23 Q. Is that where you had grown up as a child?

24 A. Yes.

25 Q. Now trace for us, if you will, early beginnings

39

1 of Charles' life. Were there any kind of special
2 medical problems or emotional problems that he
3 encountered?

4 A. When Chuck -- well, Charles --

5 Q. Do you call him Chucky?

6 A. I call him Chucky.

7 Q. Refer to him as Chucky.

8 A. Okay, Chucky. When Chucky was a baby, the
9 whole time we stayed here, most of the time he was sick.
10 We went to St. Joseph's Hospital. He was in and out of
11 that.

12 Q. What type illnesses did he have?

13 A. Well, really, they couldn't really figure it
14 out. And then the last time when he really got real,
15 real bad, he stayed in there like about four days. The
16 doctor that had seen him, a Dr. Garcia told me that he
17 was just --

18 MS. CONNORS: Judge, I'm going to object.

19 THE COURT: Sustained.

20 Q. (BY MR. HILL) After Chucky stayed in the
21 hospital for four days, after Dr. Garcia saw him, what
22 was his progression in terms of any health care or any
23 other special circumstances like you described to the
24 jury?

25 A. I don't know.

40

1 Q. Was he enrolled in school?

2 A. Not here, no. He did not attend school here.

3 Q. So did you move back to Sunset?

4 A. I moved back to Sunset when he was five.

5 Q. So did he enter the kindergarten in Sunset,
6 Louisiana?

7 A. Yes, he did.

8 Q. So at the time he's five years old, are you and
9 his dad still living together, or is he living here in
10 Houston?

11 A. He's living here in Houston, and I'm living in
12 Sunset.

13 Q. Does he visit at all?

14 A. Occasionally. He came to stay the longest when
15 Chucky was in the hospital in Louisiana.

16 Q. And what was the purpose for Chucky being in
17 the hospital in Louisiana?

18 A. High fever.

19 Q. How old was he at that time?

20 A. That must have been at least two weeks. He had
21 high fever and his, should I say, private got to be
22 blocked. So then they had to do surgery, so it took two
23 weeks.

24 Q. And so during that period of time his dad,
25 Charles Mamou, Sr., stayed in the Sunset area?

41

1 A. Yes, he did.

2 Q. What type of student was Charles when he was
3 enrolled in elementary school, kindergarten through
4 fifth or sixth grade?

5 A. Kindergarten, great. First grade, also great.
6 He was an achiever then. But afterwards he started
7 getting sick again. He started having -- he developed
8 an ulcer at about eight years old; but that was because,
9 listening to different sides, we had really truly
10 decided that that was it. We wasn't going to go back --
11 well, come here anymore.

12 Q. When you're saying hearing different sides,
13 you're talking about here and going through a divorce?

14 A. We hadn't gotten to that point of a divorce.
15 We just decided we didn't want to live together anymore.

16 Q. Were the two of you ever physical with one
17 another in front of the children?

18 A. Once.

19 Q. By that, I mean, did you ever have fights?

20 A. Yes, we did once.

21 Q. What was that?

22 A. I think Chucky may have been a year-and-a-half,
23 and you could say it was a knock-out drag-out.

24 Q. Chucky wasn't old enough to realize what was
25 going on?

42

1 A. Oh, no, no, he wasn't old enough for that.

2 Q. I'm talking about when he's older.

3 A. No, he have never seen me argue or fight with
4 anybody, no.

5 Q. So as he's gone through school, he's doing well
6 but he's sick?

7 A. Yes.

8 Q. Is there a time when his grades drop off, or
9 does he generally do okay in school?

10 A. His grades dropped off pretty bad when he was
11 in the, I think, third, fourth, and fifth grade.

12 Q. Okay. Was he having difficulty keeping up
13 academically?

14 A. Yes, he did.

15 Q. How did he progress once he got out of the
16 fourth and fifth grade? Do they have middle schools in
17 Louisiana? Is it called middle school?

18 A. It's elementary up -- K through eight.

19 Q. Was he able to graduate from elementary school
20 and go into high school?

21 A. Yes, he did.

22 Q. Where did he attend high school?

23 A. Sunset High. It's closed now.

24 Q. But at the time it was open, was that a small
25 high school in the town of Sunset?

43

1 A. That was the only high school that they had in
2 the town of Sunset.

3 Q. Describe for the members of the jury, if you
4 would, what is it like living in the town of Sunset?
5 Is it a small town, a large city?

6 A. It's very small. It's very peaceful.
7 Everybody knows everybody's business. You can't drop
8 nothing and nobody knows about it, because they're going
9 to say it anyway.

10 Q. How many people live there?

11 A. Oh, I have no idea. I really don't.

12 Q. It's north of Lafayette, Louisiana. What,
13 about half an hour away, twenty minutes away from
14 Lafayette?

15 A. Yes, twenty minutes.

16 Q. So as Chucky enters into high school, what type
17 of activities would he engage in in high school?

18 A. Oh, he played football, basketball. He did
19 band for a while.

20 Q. What kind of musical instrument did he play in
21 the band?

22 A. He played a trombone.

23 Q. And what type of student was he when he was in
24 high school, academically?

25 A. He was okay, I guess. But what he did in high

45

1 moved out into his own --

2 A. He was like semi home and semi at the house.

3 Q. Where was his other house at?

4 A. Opelousas.

5 Q. Did he stay there with someone?

6 A. Yes, with Karen. She's the mother of my first
7 grandchild.

8 Q. And how old would your first grandchild be?

9 A. She's going to be seven.

10 Q. Do you have an occasion to see your grandchild?

11 A. Oh, I make sure they're with me at least once
12 or twice a week.

13 Q. And so, as Charles is getting up now into his
14 late teen years. He already has a child at seventeen or
15 eighteen years of age?

16 A. Uh-huh.

17 Q. Does he have any other children?

18 A. Now or at eighteen?

19 Q. Walk me through the numbers that you're aware
20 of.

21 A. The numbers that I'm aware of was, at first,
22 only two; but now I'm aware of maybe five.

23 Q. And are these children that he is having with
24 the same mother?

25 A. No, they're all different.

44

1 school, in order to get a diploma, he signed himself up
2 with the G.E.D. program. He graduated with a G.E.D.

3 Q. Did he actually get a high school diploma that
4 says "G.E.D."?

5 A. Yes.

6 Q. And that's allowable in Louisiana?

7 A. Yes, it is. You can go to college with that.

8 Q. What kind of sports did he participate in?
9 Did you say he was in basketball and football?

10 A. Yes, basketball, football. He still played
11 basketball after he got out of school.

12 Q. When -- once Chucky graduated with his G.E.D.,
13 what did he do?

14 A. He went to work for a little while. Then he
15 told me he signed up for the military. He didn't tell
16 me about it. They came over and he signed up for the
17 military, but he wasn't accepted.

18 Q. Do you know why?

19 MS. CONNORS: Objection, that's hearsay.

20 THE COURT: Sustained.

21 Q. (BY MR. HILL) After he was not able to enroll
22 in the military, approximately how old would he have
23 been at this point?

24 A. Chucky was maybe seventeen, eighteen.

25 Q. Was he living at home at this time, or had he

46

1 Q. Where do they live?

2 A. Sunset, Opelousas, Lafayette. There is one in
3 Houston that I have not met. I have not met that child
4 yet or the mother. And where is the other one? Oh,
5 I'm sorry, there is two in Sunset.

6 Q. Now, as Chucky is having these children by
7 different women, do you know what he's doing do support
8 himself and those people?

9 A. At first, no; but I later found out, yes.

10 Q. Did you later find out that he was involved in
11 illegal drug activity?

12 A. Yes, I did.

13 Q. When was it that you first learned that Chucky
14 was making trips from Sunset to Houston?

15 A. Sunset to Houston, as in visiting?

16 Q. Okay. Starting with business visits. Would he
17 come and visit his dad?

18 A. Yes, he would force him to come every summer.

19 Q. He did not want to visit his father?

20 A. In 1987, they refused -- all three of them
21 refused to come back to visit.

22 Q. But you insisted they have some contact with
23 their father?

24 A. Yes, I did.

25 Q. Did all three of them come?

47

1 A. After the '87, no.
 2 Q. And has Charles -- Chucky's dad remarried?
 3 A. Yes.
 4 Q. Does he have a family here in Houston?
 5 A. Yes, he does.
 6 Q. Do you know what type of work he currently
 7 does?
 8 A. Charles is a club owner right now. I don't
 9 know what else he does, but I know he owns a club.
 10 Q. Have you ever been by the club?
 11 A. No, I have not.
 12 Q. You don't know the name of the club?
 13 A. Yep, I know the name of it.
 14 Q. What is the name of it?
 15 A. Kelvin's Corner.
 16 Q. Do you know who it's named after?
 17 A. His little boy. Well, one of his other
 18 children; because he have other children, too.
 19 Q. As Chucky is living in and around the Sunset
 20 area and he's engaging in this drug activity, do you
 21 ever see him driving around?
 22 A. Yes.
 23 Q. What type of vehicle did he drive around in?
 24 A. He had three vehicles from a friend of his, a
 25 Mr. Ray Brown. He died. He had -- he has a Cadillac

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1 that's parked in the yard, which Sedonia bought.
 2 Q. Who is Sedonia?
 3 A. Sedonia is my second grandchild's mother.
 4 Q. What's her full name? Sedonia, what's her last
 5 name?
 6 A. Gotch.
 7 Q. Where does she live?
 8 A. Lafayette. He also had a couple of rentals
 9 that he was also driving. He would get the rentals,
 10 also, from some ladies would sign for him.
 11 Q. When you and Mr. Mamou, Charles' dad, were
 12 going through the difficult times, were -- was he,
 13 Mr. Mamou, running around on you?
 14 A. Oh, yeah. Excuse me, but yeah.
 15 Q. Was that something that was pretty common?
 16 A. I guess.
 17 Q. Did you ever discuss that with him and the
 18 impact that might have on the kids?
 19 A. No, I didn't.
 20 Q. Was -- did he ever -- did you ever see him with
 21 other women?
 22 A. Yes. He brought one to the apartment where we
 23 were living at one time.
 24 Q. Do you know if he had other children with other
 25 women while you all were married?

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1 A. Oh, yes, he does.
 2 Q. What about you?
 3 A. Yes, I do. I have three that's with Charles
 4 and three that is not.
 5 Q. And there was three that were not Charles'
 6 while you were, quote, "married to him"?
 7 A. No, it's after we were divorced.
 8 Q. Now are you currently married?
 9 A. No, I'm not.
 10 Q. What was Chucky's attitude towards his father?
 11 A. Bitter.
 12 Q. Over the divorce, over the way he acted?
 13 A. I don't exactly know what happened. Really, I
 14 don't. All I know is what changed everything was the
 15 summer of '87. That's what really changed their
 16 attitude completely, and then it didn't just change
 17 Chucky; it changed them all.
 18 Q. That's why he had to come to Houston, to spend
 19 some time with their dad?
 20 A. I made him come the whole summer that year.
 21 Q. Did Chucky share with you what it was about
 22 that stay in Houston that changed his outlook about his
 23 father?
 24 A. No. They told me, though, that there was --
 25 MS. CONNORS: Excuse me. I object.

50

1 THE COURT: Sustained.
 2 MS. CONNORS: It's nonresponsive. It's
 3 hearsay.
 4 MR. HILL: May I have just a moment,
 5 Judge?
 6 THE COURT: Yes.
 7 Q. (BY MR. HILL) Can you describe to the jury what
 8 it was like to be around your son, Chucky, and how he
 9 interacted with other people when he was living there in
 10 the Sunset area?
 11 A. Chucky was well-mannered, well-behaved. No
 12 matter who I would meet, I mean, they would know him.
 13 And no one would actually have a bad thing to say about
 14 him. He is just that way. If you needed something or
 15 if you were stuck somewhere else, he go and get you. He
 16 just -- that's him.
 17 Q. As you reflect upon your relationship and the
 18 way the children that were in your home were raised,
 19 with Chucky being the oldest, how do you feel in terms
 20 of your reliance upon Chucky in that home with those
 21 kids?
 22 A. I depend on him too much.
 23 Q. What do you mean by that?
 24 A. Oh, I would work to make sure that I had enough
 25 money to pay bills and stuff. But when I could not find

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1 a baby-sitter, Chucky was the one that baby-sat. Chucky
2 was the one that cooked. Chucky was the one that
3 cleaned. Chucky did it all.

4 Q. How old was he when he was doing all this?

5 A. Thirteen.

6 Q. All right. Things pretty tight for you back
7 then, when you were working different jobs?

8 A. Oh, yeah, it was.

9 Q. What kinds of work were you doing?

10 A. I was a cook, a short order cook, as well as a
11 CMA.

12 Q. What is that?

13 A. A nursing assistant.

14 Q. Is that the type of work you do currently?

15 A. Yes.

16 Q. And did that seem to have an impact on Chucky,
17 in terms of him shouldering the workload at the house
18 for all the kids, as well as for you?

19 A. I don't think so, because he help out in his
20 own. He takes care of his kids. I mean, to me, some
21 people may say it's bad. To me, it showed him what
22 responsibility really were. I was sorry that it had to
23 happen at such an early age, but he takes such good care
24 of his kids and takes good care of the house and stuff.
25 So, it's half and half, half bad and half good.

52

1 Q. What kind of relationship does he have with his
2 sister, Michelle?

3 A. Great. She looks up to Chucky as though he was
4 the father of the house.

5 Q. Okay. Was -- how old is Michelle?

6 A. Michelle is nineteen.

7 Q. So she's how much younger than Chucky?

8 A. Oh, five years.

9 MR. HILL: I'll pass the witness, Judge.

10 CROSS-EXAMINATION

11 BY MS. CONNORS:

12 Q. Miss Mamou, my name is Claire Connors. You and
13 I have never met, have we?

14 A. Not personally, no. I have ran into you a
15 lots, but I've never really met you.

16 Q. But we've never spoken, have we?

17 A. No.

18 Q. I'm going to ask you some questions. And if
19 you don't understand my questions or you can't hear me,
20 please stop me; because I don't want you to give an
21 incorrect answer.

22 A. Okay.

23 Q. Miss Mamou, when you were growing up, how many
24 children were in your family?

25 A. Seven.

53

1 Q. Did you grow up with a mom and a dad?

2 A. No, I did not.

3 Q. Which parent took care of you?

4 A. My mother.

5 Q. And --

6 A. And my grandmother.

7 Q. And when you were growing up, was it necessary
8 for you to do jobs and take responsibility?

9 A. No, I was a sickly child. That's why most of
10 the time I lived with my grandparents.

11 Q. And you're not telling this jury that because
12 your son had to take responsibility at age thirteen and
13 help you out in the household that caused him to do any
14 of the things that he's done, are you?

15 A. No.

16 Q. He was brought up in a family where you taught
17 him right from wrong; is that correct?

18 A. Yes. He still knows rights from wrong.

19 Q. And he was brought up in a family where he saw
20 the head of the household working?

21 A. Yes.

22 Q. And you told the jury you worked very hard to
23 support your family; is that correct?

24 A. Yes.

25 Q. When he was in high school, he played

54

1 basketball; is that correct?

2 A. Yes, he did.

3 Q. And he was a good basketball player, wasn't he?

4 A. Yes.

5 Q. He was on the team?

6 A. Yes.

7 Q. And he decided to drop off that team, didn't
8 he?

9 A. No. I'm more than sure once you get into
10 G.E.D., you can't do all that anymore.

11 Q. Would you describe your son as an intelligent
12 person?

13 A. He's average.

14 Q. Did he go to school beyond getting his G.E.D.,
15 which you said is equivalent to high school?

16 A. No, he did not.

17 Q. Describe -- you said your son -- you described
18 him as a kind person?

19 A. Yes, he is.

20 Q. How else would you describe your son?

21 A. How else would I describe him? He's very
22 considerate. He's sensitive. He's too sensitive
23 sometimes for his own good. He's a great provider.

24 Q. Let's talk about that for a moment, ma'am. You
25 said that you were aware that your son had fathered two

55

1 children, and at some other point you were aware that he
2 was the father of five children; is that correct?

3 A. Yes.

4 Q. The first child you said lives where?

5 A. In Opelousas.

6 Q. And you were aware when that first child was
7 born?

8 A. I was at the hospital when she was born, me and
9 Chucky both.

10 Q. At what jobs was he working at that point to
11 support that child?

12 A. He was working at Budweiser.

13 Q. And how long did he work at Budweiser?

14 A. Oh, I think maybe six or seven months.

15 Q. And then where did he start working after that?

16 A. At a temporary service.

17 Q. How long did he work at a temporary service?

18 A. I don't know. I did his taxes, but I don't
19 know.

20 Q. When was the second child born?

21 A. She's two, so she was born in '97.

22 Q. Where does she live?

23 A. She lives in Lafayette.

24 Q. And how far is Lafayette from Sunset?

25 A. Twenty miles.

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1 Q. And he lives where, that little boy?

2 A. He lives in Sunset.

3 Q. And the fourth child?

4 A. Lives in Houston.

5 Q. How old is that child?

6 A. I really don't know. I'm told she has one, but
7 I haven't seen the child or spoken to the mother.

8 Q. Would you consider your relationship with your
9 son throughout his life a close relationship?

10 A. It was okay.

11 Q. Were you able to talk to him?

12 A. Oh, I talked to him all the time.

13 Q. You would agree with me, or at least in your
14 mind, you feel possibly that you know your son better
15 than anybody in this courtroom; is that correct?

16 A. Yes.

17 Q. And your son then, of course, told you about
18 that fourth child that he had fathered?

19 A. Yes, he did.

20 Q. So you didn't just find out about it; is that
21 right?

22 A. I asked -- when I was told, I asked him and he
23 told me about it, yes.

24 Q. But when that child was born, you weren't aware
25 that -- until you heard from someone else -- that your

56

1 Q. Where was your son working in 1997 to support
2 the first child and the second child?

3 A. St. Martinsville, Fruit of the Loom.

4 Q. How long did he work there?

5 A. I don't know.

6 Q. Is the second child also a girl, or is it a
7 boy?

8 A. It's a girl.

9 Q. So that's two girls?

10 A. Yes.

11 Q. And when did you learn about the third child?

12 A. I learned about the third child after Chucky
13 got arrested.

14 Q. And where does that third child live?

15 A. In Sunset.

16 Q. And how old is the third child?

17 A. He might be nine months. Well, this is
18 October. He's ten -- he's ten months.

19 Q. So when was he born?

20 A. December the 6th or December the 5th.

21 Q. 1998?

22 A. Yes.

23 Q. So right before your son's birthday, on
24 December 6th?

25 A. Yes.

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1 son had fathered a fourth child?

2 A. Yes.

3 Q. You don't know how old that child is?

4 A. No, I don't.

5 Q. And the fifth child, how old is the fifth
6 child?

7 A. The fifth child got to be maybe eight months.

8 Q. So you have -- he has two children, one's eight
9 months and one's ten months; two months apart?

10 A. Yeah.

11 Q. Do you know that child?

12 A. Yes, I see that child.

13 Q. Where does that child live?

14 A. Sunset.

15 Q. Is that a boy or a girl?

16 A. It's a girl.

17 Q. So out of the five children that you're aware
18 of, I believe you said there were three that were girls;
19 one is a boy, and one you don't know?

20 A. That's right.

21 Q. And you talked about your son being a good
22 provider for these children.

23 A. Except for one. He never had a chance to do
24 anything for one of them.

25 Q. Which child was that?

59

1 A. That's the one that's about nine months, the
2 little boy.

3 Q. And the ten-month-old?

4 A. That's the one, the nine to ten-month-old.

5 Q. Didn't have any chance to do anything with the
6 eight-month-old, either, right?

7 A. No. Well, he bought things for that one before
8 the baby got here; but afterwards, no.

9 Q. And when did you first become aware that your
10 son was dealing drugs?

11 A. When he got popped, is the word.

12 Q. When would that have been?

13 A. What is it? I think maybe '96, 90-something.

14 Q. You're not sure?

15 A. No, I'm not sure of the day, but I know it
16 happened.

17 Q. What type of drugs was he selling?

18 A. I have no idea.

19 Q. How did you find out that he got popped, in
20 your words?

21 A. Because someone told me that Chucky said for me
22 to go see, and I went to see. And when I went where
23 they were, that's what they told me. The officers were
24 there, and they explained everything to me, and that was
25 it.

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1 Q. And what happened after your son got popped for
2 dealing drugs?

3 A. They put him in jail.

4 Q. And then what happened?

5 A. Then you go to court and you bond out.

6 Q. And what happened in the end with that
7 particular case? Was he placed on probation?

8 A. I think so, yes.

9 Q. You're not sure?

10 A. I was in court, yes.

11 Q. Now how old was your son when he got popped or
12 arrested and placed on probation?

13 A. I don't know, maybe twenty-one.

14 Q. And you would agree with me at age twenty-one
15 that you're an adult?

16 A. Yes, he is an adult.

17 Q. And take responsibility for your actions?

18 A. He did take responsibility for his actions.

19 Q. And you, of course, as a mom, I'm sure that you
20 were shocked that your son was dealing drugs?

21 A. Yes, I was.

22 Q. And you agree, and I'm sure as a mom with other
23 children, you worry about your children getting involved
24 with drugs, right?

25 A. I worry about everybody's children getting

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1 involved in drugs, whether they're mine or somebody
2 else. I worry about everybody's children.

3 Q. Because you know what drugs do to people?

4 A. Because I know what a mother has to go through
5 this day and age.

6 Q. Miss Mamou, did you share that with your son
7 when he got arrested?

8 A. Yes, I most certainly did talk to my child.

9 Q. What did you tell him?

10 A. I told him plain and simple, Chucky, this is
11 not necessary. God bless the truth, bless you. By the
12 way, I told him, this is not necessary. Really and
13 truly, all I said is, Mama will help you no matter which
14 way. I said, And you know that. I said, So, really and
15 truly, why are you doing this? And then he told me
16 what was going on. And I said --

17 Q. Let me stop you there for a second, Miss Mamou.
18 Share with us what your son told you was going on, why
19 he was dealing those drugs.

20 A. He had a lot of responsibilities, an awful lot.
21 He bought a house for Chelsea -- well, Karen. They
22 bought a trailer. They were trying to fix it up and
23 everything else, and that took a lot of money.

24 Q. Do you own a house?

25 A. Yes, I do.

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1 Q. And when your son bought the house, did he have
2 a steady job when he bought it?

3 A. He was working, but steady? I wouldn't say
4 steady. That was a temporary service.

5 Q. So, he bought a house without working a steady
6 job; and he was concerned about keeping that house up,
7 and that's the reason he told you he had to sell drugs?

8 A. But, honey, his -- Karen, at the time, was also
9 working.

10 Q. Okay. So it wasn't necessary for him to sell
11 drugs in order to keep that house up, since he had a
12 wife that was working?

13 A. As I said, I explained to him that regardless
14 as to what, that I was going to help him regardless.
15 Because at one time I worked three jobs straight. So
16 really and truly, I mean, I wouldn't mind and did not
17 mind and did do my part for all of them and will
18 continue to do my part for all of my grandchildren.

19 Q. And so you told him then that you were there
20 for him, and you would help him in any way you could?

21 A. That's right.

22 Q. And stop dealing drugs?

23 A. That's right.

24 Q. Did you tell him how dangerous that business
25 is?

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1 A. Really and truly, I don't know the business
2 that much. All I know is what goes on on TV.
3 Q. And you know on TV that people get killed when
4 drugs are involved?
5 A. Yes, I do.
6 Q. Did you share that with your son?
7 A. Yes, I did.
8 Q. What did he say to that?
9 A. He said, Mom, I'm going to stop.
10 Q. Okay. When he was living in Sunset, how often
11 would he go to Houston after he was placed on probation
12 for dealing drugs?
13 A. I have no idea.
14 Q. So those three other children that you have,
15 are they little children?
16 A. Yes, all of them are little. They're from
17 seven on down to ten months -- well, eight months. Oh,
18 wait. My children or his?
19 Q. Yours, ma'am.
20 A. My children are -- the baby is eleven.
21 Q. And how old are the other two?
22 A. The other two is twelve, and the next one is
23 seventeen.
24 Q. So you keep pretty busy just with those three
25 children and working full-time, don't you?

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1 A. Not really, no. I fill my time up with my
2 grandchildren, too. I combine all of this, all of the
3 time that I have towards my children.
4 Q. And the schedule that your son was keeping or
5 how often he was going to Houston dealing drugs, you
6 have no idea?
7 A. That's what I said.
8 Q. Was he ever giving you money to help you out?
9 A. Occasionally, he did.
10 Q. And how often would he do that?
11 A. I don't really know.
12 Q. How much money did he give you?
13 A. Personally?
14 Q. Yes, ma'am.
15 A. I don't know.
16 Q. And when he was dealing drugs, did you ever ask
17 him how he had such nice things?
18 A. Nice things, like what?
19 Q. Well, he told the jury he had nice things when
20 he was in the drug business. Did he ever share that
21 with you?
22 A. I know his dad bought him a chain, if that's
23 what you're talking about. That's the nicest thing that
24 I saw.
25 Q. When he was living in Sunset, where was he

65

1 living?
2 A. With me and his -- excuse me -- and his
3 grandmother.
4 Q. So if he was living with you most of the time,
5 then how often would he come to Houston?
6 A. One more time, I do not know. This is one
7 thing, honey, I'm not going to lie. I'm not going to
8 sit up here and lie, because I don't believe in lying.
9 I said I don't know, and I really don't know.
10 Q. Did you know he had come to Houston in August
11 for a drug transaction?
12 A. No, I was not aware of that.
13 Q. Did he share with you he was going to Houston
14 in August?
15 A. Yes, I think there was something going on over
16 at Charles' club.
17 Q. Did he share with you that he was coming to
18 Houston to do a drug transaction in December?
19 A. No.
20 Q. So when he left in December, was he staying at
21 your house?
22 A. In December? He has his own house. You're
23 talking about December of this year, right, or last
24 year? He has his own house.
25 Q. Starting when?

66

1 A. Chucky been having his own houses since he's
2 been like sixteen or seventeen years old.
3 Q. He owns those houses or was buying them?
4 A. One they bought. The rest of them they're
5 renting.
6 Q. Miss Mamou, did anyone share with you the facts
7 of the case your son was convicted of?
8 A. Yes.
9 Q. Do you believe that your son murdered two
10 people and tried to kill a third and shot a fourth?
11 A. No, I don't. I believe that he did as he told
12 you what he did. There was a transaction, and somebody
13 got hurt. Excuse me if I forget -- Terrence Gibson is
14 his name, if I'm not mistaken, died from that
15 transaction. I did hear that.
16 Q. As he told us -- were you here in the courtroom
17 when he testified?
18 A. Was I here in the courtroom when he testified?
19 No.
20 Q. So you didn't hear what he said on the witness
21 stand, did you?
22 A. How could I? Y'all wouldn't let me in here.
23 Q. I just want to make -- because you said, as he
24 told you?
25 A. I'm sure he told you. He's not going to sit

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1 there and lie to you, either.

2 Q. Did he tell you that he shot Terrence Gibson?

3 A. Told me?

4 Q. Yes, ma'am.

5 A. No.

6 Q. Did he tell you he shot Kevin Walters multiple
7 times?

8 A. No.

9 Q. Once in the back? Did he tell you that?

10 A. No.

11 Q. Did he tell you that he shot Dion Holley,
12 almost blew his arm off? Did he tell you that?

13 A. No. He told me -- one more time -- that there
14 was a transaction, and people got shot.

15 Q. Did he tell you who shot them?

16 A. Shot all -- no.

17 Q. Isn't that -- wasn't that important for you to
18 find out what had happened?

19 A. When these people -- excuse me -- came to my
20 door and told me this, it was like about nine of them,
21 nine police officers. Neither one said -- they said he
22 was there, but they did not say he actually did the
23 shooting. This was Texas. This was Louisiana -- well,
24 Lafayette, Louisiana Cops, Sunset Police Officers,
25 Opelousas Police Officers. That was about nine or ten

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1 of them that also told me the same thing. He was there,
2 and he knows who those guys were; but they did not say
3 that he was the one that did it.

4 Q. I'm sorry, ma'am. That's not the question I
5 asked. My question was, did you not ask your son what
6 he had done to those people?

7 A. When he was -- after these officers came to my
8 house and I was able to talk to him from them picking
9 him up in Lafayette, yes, I did ask. And that's where
10 I'm telling that you he said there was a transaction,
11 and people got shot. They were shooting at him, and he
12 shot back at them.

13 Q. Okay. So he told you they were shooting at
14 him, and he shot back at them?

15 A. Yes. They were all running. That's what he
16 said.

17 Q. I'm sorry. He said?

18 A. While he was running.

19 Q. While he was running, he shot back at these
20 people?

21 A. That's what he said. I wasn't there.

22 Q. But you just told these people he would only
23 tell the truth. So, of course, you believed everything
24 he said, didn't you?

25 A. Yes, I did believe him. He has no reason to

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1 lie about that.

2 Q. Ma'am, would you agree with me that a person
3 who had murdered three people, tried to murder a fourth,
4 and shot another person was a violent person?

5 A. Depending on the circumstance.

6 Q. What if they shot one of them while they were
7 right there in cold blood? Is that violent?

8 A. Could I explain a story to you?

9 Q. I'm sorry, ma'am. Can you answer my question,
10 please?

11 A. Well, you're asking me if I was to actually see
12 somebody shot, would I say that was a violent thing?

13 Q. Yes, ma'am.

14 A. Okay. In Sunset there was a guy that came from
15 New Orleans.

16 Q. Ma'am --

17 MS. CONNORS: Judge, could you please ask
18 the witness --

19 THE COURT: Just answer the question.
20 Don't volunteer information.

21 THE WITNESS: Oh, okay.

22 Q. (BY MS. CONNORS) Would you agree with me that
23 was a violent act, ma'am?

24 A. I don't know.

25 Q. Do you believe that your son shows you every

70

1 bit of his personality, or do you think you just know
2 one side?

3 A. I know all sides of him.

4 Q. All sides?

5 A. All sides.

6 MS. CONNORS: I have no further questions,
7 Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. HILL:

10 Q. When the State asked you whether or not you
11 believe shooting people would show that the person was
12 violent or that was a violent person, you indicated it
13 depends on the circumstances?

14 MS. CONNORS: I'm going to object to the
15 leading, Your Honor.

16 THE COURT: Sustained.

17 Q. (BY MR. HILL) What did you mean when you said,
18 it would depend on the circumstances?

19 A. As I said, I have known -- there was this case,
20 and the guy came home. Somebody -- it was an accidental
21 shooting. He was bleeding and stuff, but he said he
22 just simply had dropped the gun and it went off.

23 Q. You mean, this was a violent act because the
24 person was injured, but the circumstances explained how
25 the injury occurred?

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1 A. The gun fell.

2 Q. Now, let me ask you -- because there has been
3 some testimony and a lot of questioning by the
4 prosecutor about this. Out there in Sunset, Louisiana,
5 is it just acceptable to have children out of wedlock?

6 A. Yes.

7 Q. It's no big deal?

8 A. No.

9 Q. Thank you.

10 MR. HILL: I have no further questions.

11 RECROSS-EXAMINATION

12 BY MS. CONNORS:

13 Q. Miss Mamou, it's certainly not acceptable to
14 kill anyone, is it?

15 A. It depends, again, on the circumstances, ma'am.

16 Q. It's not acceptable to murder anyone in Sunset,
17 Louisiana, is it, Miss Mamou?

18 A. It also depends on the circumstances, ma'am.

19 MS. CONNORS: I have no further questions,
20 Your Honor.

21 THE COURT: You may stand down.

22 Call your next.

23 MR. HILL: Charles Mamou, Sr.

24 THE BAILIFF: He's not here yet, Judge.

25 MR. HILL: Michelle Mamou.

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1 Q. You understand that the jury has found your
2 brother guilty of capital murder?

3 A. Yes.

4 Q. All right. Did I have an occasion, along with
5 Mr. Wentz, sometime ago to come out to Sunset and visit
6 with you?

7 A. Yes, you did.

8 Q. I sat down and talked to you a little bit; and
9 I asked you some questions about your brother, didn't I?

10 A. Yes, you did.

11 Q. Do you think you can go ahead and relate to the
12 members of the jury some of the things we talked about?
13 And I'll kind of start by asking you, who was it when
14 you were a younger child -- who was the father figure in
15 your life?

16 A. Charles Harold Mamou, Jr.

17 Q. Do you know him as Chucky?

18 A. Yes, I like to call him Chucky.

19 Q. Can you tell the members of the jury, just
20 describe for them what it was like in your household
21 living with Chucky and the other family members.

22 A. He had to play the man role. My mother was
23 mostly working. He made sure we did our homework, we
24 were fed, we came in when the light came on outside.

25 Q. What does that mean?

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1 MICHELLE MAMOU,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HILL:

5 Q. Would you please state your name for the
6 members of the jury?

7 A. Michelle Mamou.

8 Q. How old are you, Michelle?

9 A. Nineteen.

10 Q. Where do you live?

11 A. Lafayette.

12 Q. All right. And do you go to school?

13 A. U L.

14 Q. What is U L?

15 A. University of Louisiana.

16 Q. And where did you grow up?

17 A. Sunset mostly.

18 Q. Is this your brother seated to my right?

19 A. Yes.

20 MR. HILL: May the record reflect she's
21 identified the defendant, Charles Mamou?

22 THE COURT: It will.

23 Q. (BY MR. HILL) Michelle, you understand why
24 you're here today?

25 A. Yes.

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1 A. Oh, it means when it turns dark, you better be
2 in the house.

3 Q. Was there a light on in the front porch you
4 turn on?

5 A. The streetlight.

6 Q. And tell the members of the jury, who was it
7 that was actually living in your house there in Sunset?
8 Who was the family unit?

9 A. My mother, Chucky, my three other brothers, and
10 my little sister.

11 Q. Okay. Your dad, Charles Mamou, Sr., did not
12 live there?

13 A. No, he did not.

14 Q. Did you have an occasion to see Chucky as he
15 was going to school and the people that he would
16 interact with? Did you notice how he interacted with
17 his friends out there?

18 A. Interact like every other teenager.

19 Q. Okay.

20 A. Liked to go to football games, hang out.

21 Q. Was he a giving person? Would you describe
22 him as a giving individual?

23 A. I think he gave a lot.

24 Q. Were there some circumstances in your life, in
25 particular, relating to your brother that you would like

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1 to share with the jury? Tell them some things your
2 brother did for you, personally.

3 A. My eighth grade graduation, I didn't have a
4 dress. I didn't have a dress, so I was home. I didn't
5 tell anybody I was going to sing at my graduation or
6 anything.

7 Q. You were chosen to sing at your eighth grade
8 graduation?

9 A. Yes.

10 Q. And you didn't tell your mom you had been
11 chosen to sing at the graduation?

12 A. No. It was going to be a surprise.

13 Q. But did you share with your mom that you wanted
14 to walk at your graduation? In other words, you
15 wanted --

16 A. I begged her.

17 Q. To receive your diploma?

18 A. Uh-huh.

19 Q. Was your mom going to allow you to do that?

20 A. She said no, because we didn't have -- she
21 didn't have the money for the dress. She didn't like to
22 say that. She just said, It's better off you don't
23 walk.

24 Q. You're talking about walking for your
25 graduation?

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1 A. Yeah.

2 Q. And then what happened?

3 A. He didn't have the money to get my books, but
4 he told me my education was very important. So he took
5 one of his chains, and he brought me to the pawnshop.
6 And he pawned the chain for me so I could get my books,
7 and he told me he's doing this to let me know education
8 is important and that with education I could be anybody
9 that I want to be.

10 Q. Was there a time when you were in high school,
11 Michelle, that you tried dropping out of high school?

12 A. I was sixteen years old. I just become a
13 junior. I wanted to run the streets. He straightened
14 me up and got me back in line.

15 Q. And you ended up staying in school?

16 A. Yeah.

17 Q. Was there a time when you tried running away
18 from home?

19 A. I was about --

20 Q. You were twelve years old at the time. What,
21 if anything, did Chucky do to keep you from doing that?

22 A. He came in my room when I was packing my
23 clothes. I was taking everything out of the closet.
24 And at first he thought I was playing, so he giggled and
25 he asked me what I was doing. And I told him I'm tired

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1 A. Yeah.

2 Q. But you hadn't told anybody about being
3 selected to sing?

4 A. It would be a surprise.

5 Q. So did you share that with anyone?

6 A. I shared it -- well, my cousin came in. She
7 came in there about probably thirteen minutes before it
8 was time for to us get in line to walk. And she said,
9 Michelle, why aren't you dressed, because you have to
10 sing? And mom was like, Well, I didn't know. So she
11 paged Chucky. Chucky came in; and under maybe fifteen
12 minutes, I had my dress.

13 Q. So were you able to go to your eighth grade
14 graduation?

15 A. Yes, I was.

16 Q. Were you able to sing in it?

17 A. Yes, I was.

18 Q. What about other situations that your brother,
19 Chucky has done for you? You're going to school now,
20 aren't you?

21 A. My first semester in college, I didn't have
22 money to buy my books for school. And I tried to get in
23 contact with my daddy, and he didn't return none of my
24 phone calls.

25 Q. So did you contact Chucky?

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1 of always being the one who always get the blame for
2 whenever anything goes down, when something goes wrong,
3 so I was leaving. And he took me and he put me facing
4 towards him. And he told me that, We are a family.
5 We're a unit, and we're supposed to stick together. And
6 he gave me a dollar for me to stay.

7 Q. Did you stay?

8 A. Yeah.

9 Q. As you were growing up and Chucky was kind of
10 looking out for you, were there times when you wanted to
11 buy some things that you couldn't afford?

12 A. Yes.

13 Q. Did your brother do anything to try and get
14 those items for you?

15 A. He always tried to do his best to provide for
16 us. He was our father.

17 Q. Did he ever talk to you -- was there a time
18 when you just really didn't care much for your mother,
19 and you were kind of down on her about who she was and
20 what she meant to you?

21 A. Yeah.

22 Q. Was there anything that Chucky said to you or
23 did to try to talk to you about that?

24 A. I think it was fifth grade. And by then I was
25 in, you know, junior high. Everybody has name brand,

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1 and I thought for Christmas I was going to get that.
2 But when I opened the package, I found some beige pants
3 with some suspenders. And Chucky put them on. And he
4 told me, he say, You may not like what you have; but at
5 least, you know, you have a gift. Some people don't
6 have gifts on Christmas, so your mom went all out this
7 way to get this for you. You should be thankful for
8 what you have. He said, If you don't want it, I'll wear
9 it. So he went outside and he wore it. I said, I want
10 my clothes, and I took them.

11 Q. Were you aware of the fact that your brother
12 was involved in selling drugs?

13 A. No. He never like -- it never was in front of
14 me. If it was, it wasn't in front of me.

15 Q. So that image of him being a drug dealer isn't
16 something that you're aware of?

17 A. No.

18 MR. HILL: I'll pass the witness.

19 MS. CONNORS: Judge, I have no questions.

20 THE COURT: You may stand down.

21 Call your next.

22 MR. HILL: Charles Mamou, Sr.

23 THE COURT: Not here.

24 MR. WENTZ: We call Sedonia Gotch.

25 THE COURT: Proceed.

81

1 Q. (BY MR. WENTZ) How did you come to know
2 Charles?

3 A. Years ago we met in a nightclub.

4 Q. Could you tell us about when that was?

5 A. '92, '93.

6 Q. And did you subsequently come to have a
7 relationship with Charles?

8 A. Yes.

9 Q. And describe the relationship, if you would.

10 A. There is times we were boyfriend and
11 girlfriend, I guess.

12 Q. For about how long a period of time was that?

13 A. Seven, or six-and-a-half, seven years.

14 Q. Do you have a child by Charles?

15 A. Yes.

16 Q. What is the child's name?

17 A. Sedonia Kearston Mamou.

18 Q. How old is that child?

19 A. Two years old.

20 Q. Has Charles accepted that child as his own?

21 A. Yes.

22 Q. Does he help take care of the child?

23 A. Yes.

24 Q. In what way?

25 A. He was there -- he's there for her. Whatever

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1 MR. WENTZ: May I proceed, Your Honor?

2 THE COURT: Please.

3 SEDONIA MARIE GOTCH,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WENTZ:

7 Q. Would you please tell us your name?

8 A. My name is Sedonia Marie Gotch.

9 Q. Could you tell us where you live?

10 A. Lafayette, Louisiana.

11 Q. And if you could, without putting it too close
12 to you, could you pull the microphone a little closer so
13 we can hear your testimony? Do you know Charles Mamou,
14 Jr.?

15 A. Yes.

16 Q. Do you see him in the courtroom?

17 A. Yes.

18 Q. Could you identify him by something that he's
19 wearing?

20 A. Yes.

21 Q. What is that?

22 A. Cream -- a beige shirt, black jacket.

23 MR. WENTZ: May the record reflect she has
24 identified the defendant?

25 THE COURT: It will.

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1 she needs, he's there. And physically, emotionally,
2 he's there for her.

3 Q. In the course of knowing Charles and being with
4 Charles, did you have a chance to get to know his
5 family?

6 A. Yes.

7 Q. From the period of time that you've known
8 Charles, could you describe his attitude toward his
9 father?

10 A. My opinion, that was just his father.

11 Q. Was there anything good about it or bad about
12 it?

13 A. It was really nothing.

14 Q. What about his relationship with the rest of
15 the family?

16 A. No. They were all pretty close.

17 Q. And what was it like being with Charles, if you
18 could describe it?

19 A. It was good.

20 Q. In what way?

21 A. Rough times and bad times, we made it through.
22 He was always there for me.

23 Q. Are there any special personality
24 characteristics that you'd like to tell us about. A
25 sense of humor --

83

1 A. No.

2 Q. -- whatever?

3 A. It could be the worstest time, and he always
4 have something funny to say, and everybody would laugh.

5 Q. Was he liked by other people?

6 A. Oh, yeah.

7 Q. In regards to the fact that he saw his family,
8 did they show any dependency on him?

9 A. Oh, yes.

10 Q. In what way?

11 A. Anything. Something went wrong or they needed
12 something, they always go to him.13 Q. When you say whenever something went wrong they
14 called him, can you give us an example? What exactly
15 do you mean by that?16 A. One of the family members were in trouble, like
17 if his mother and one of the -- somebody had a problem,
18 he was always -- they would call on him.19 Q. When you said that they might need money they
20 would call on him, what do you mean by that?

21 A. To pay bills or something, they would call.

22 Q. Did you see him do that on more than one
23 occasion?

24 A. Yeah.

25 Q. What type of bills would he be paying for?

84

1 A. Light bill, car insurance.

2 Q. Do you know how Charles was making a living?

3 A. No.

4 Q. Do you know whether or not he was selling
5 drugs?

6 A. No, I never seen him.

7 Q. Did you hear that he did that?

8 A. Yeah.

9 Q. If you know, why did he do that?

10 A. I remember one time he told me a story that he
11 never wanted -- he didn't want to see anybody growing up
12 the way he did.13 Q. What did you take that to mean? What was your
14 interpretation of that?15 A. Well, he told me the stories, like, one time he
16 didn't have anything to eat but ice and soap, and his
17 mama was at work. So he didn't want to see nobody grow
18 up hungry or starving or wanting for anything.19 Q. So you say he was doing this just to make
20 money?

21 A. Oh, no, no.

22 Q. You said -- could you tell us where you grew
23 up?

24 A. In Carencro, Louisiana.

25 Q. Did you grow up sort of similar to Charles?

85

1 A. No, I wouldn't say that.

2 Q. Well, tell us about your family.

3 A. Oh, we were a close family.

4 Q. Were you poor?

5 A. Yeah, but we were close.

6 Q. And did you always have a father and mother
7 there?8 A. No. I always had -- I was not even one years
9 old when my mother passed away, so I stayed with my
10 grandmother.11 Q. What's the difference between the way Charles
12 has come to be here and the way you grew up or the way
13 you've developed?14 A. Well, he told me, like, his mama would -- she
15 was always at work. He was like the father. He had to
16 take care of the kids. And when I grew up, my
17 grandmother and grandfather was always there and, also,
18 my father.

19 Q. Did he ever beat you or hit you?

20 A. No.

21 Q. Do you know a person by the name of Timmy
22 Thomas?

23 A. Yeah.

24 Q. Do you know where he lives?

25 A. In Sunset.

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1 Q. Does he still live there today?

2 A. I'm not too sure. I think so. I'm not sure.

3 MR. WENTZ: I pass the witness.

4 CROSS-EXAMINATION

5 BY MS. CONNORS:

6 Q. Miss Gotch, my name is Claire Connors. You and
7 I have never spoken, have we?

8 A. No.

9 Q. I'd like to ask you some questions. How old
10 are you, ma'am?

11 A. Twenty-six.

12 Q. Do you work? Where do you work?

13 A. Cornerstone Village, a nursing home in
14 Lafayette.15 Q. And you grew up in, you said -- I didn't hear
16 the words you said.

17 A. Carencro.

18 Q. When did you meet this defendant?

19 A. About six or seven years ago, something around
20 there.

21 Q. You would have been how old?

22 A. Twenty-two, twenty-one, something like that.

23 Q. And you had a child by him when?

24 A. June 14th, '97.

25 Q. Now during this time period that you knew him,

87

1 for the last six-and-a-half to seven years, was it a
 2 romantic relationship?
 3 A. Yeah.
 4 Q. And you said that he was always there for you;
 5 is that correct?
 6 A. Yes.
 7 Q. Were you aware of the four other children that
 8 he's had?
 9 A. I'm only aware of one.
 10 Q. So you don't know about the seven-year-old? Is
 11 that what you know about?
 12 A. Chelsea, I think she's around -- I don't think
 13 she's seven yet. I think she's around six or almost
 14 seven.
 15 Q. Do you know about the other child who was born
 16 December 5th or December 6th of 1998?
 17 A. No.
 18 Q. Another child who was born in February of '98
 19 is about eight months?
 20 A. No.
 21 Q. Another child, I don't know how old they are.
 22 A. None of those.
 23 Q. Miss Gotch, you said Charles Mamou, the father
 24 of your child, provided for your child. Were there
 25 times when you called his probation officer to complain

88

1 that he wasn't paying child support?
 2 A. No, she's not on child support.
 3 Q. I'm sorry?
 4 A. I don't have them on child support.
 5 Q. So you never called the probation officer to
 6 complain about Charles Mamou?
 7 A. Not on Charles Mamou.
 8 Q. Did you ever speak to his probation officer?
 9 A. No.
 10 Q. Did you know he was on probation?
 11 A. Yeah.
 12 Q. And when did you learn that?
 13 A. When we first started dating.
 14 Q. So when you first started dating, you knew he
 15 was involved with drugs?
 16 A. Yeah.
 17 Q. And while you were dating and the time that you
 18 had your relationship, he wasn't working, was he?
 19 A. He would work -- yeah. He had three or four
 20 different jobs.
 21 Q. Work a little bit, quit work, another one,
 22 right?
 23 A. Yeah.
 24 Q. He did not have steady employment?
 25 A. No.

89

1 Q. But yet, he had money, didn't he?
 2 A. Yes.
 3 Q. Did you ever question where he got that money
 4 from?
 5 A. I did one time, but he just ignored me so --
 6 Q. So he didn't tell you?
 7 A. No.
 8 Q. And you didn't ask again?
 9 A. No.
 10 Q. And, of course, he never showed you any gun he
 11 might have had?
 12 A. Oh, no.
 13 Q. Did you know he had gotten stopped in Louisiana
 14 for a gun while he was on probation?
 15 A. Yeah, yeah.
 16 Q. You knew about that?
 17 A. Uh-huh.
 18 Q. Did you know -- was he living with you back in
 19 December of 1998?
 20 A. Yeah.
 21 Q. And when had he left for Houston?
 22 A. I don't remember. I don't remember the date.
 23 Q. So has he lived with you for the last how many
 24 years?
 25 A. About five.

90

1 Q. Lived every day with you, right?
 2 A. Yeah.
 3 Q. And did you call yourself husband and wife, or
 4 tell me?
 5 A. No.
 6 Q. Common-law?
 7 A. No, ma'am.
 8 Q. But you considered him just like your husband,
 9 right?
 10 A. Yeah.
 11 Q. I mean, you weren't sleeping around with any
 12 other people, right?
 13 A. No.
 14 Q. And you thought he was faithful to you?
 15 A. I knew he wasn't.
 16 Q. You knew he wasn't?
 17 A. Yeah.
 18 Q. So he told you that?
 19 A. No, he didn't come out and tell me that. I
 20 caught him on a few occasions.
 21 Q. But yet, you didn't know about the other
 22 children?
 23 A. Just one, yeah.
 24 Q. But you never caught him selling drugs?
 25 A. No.

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1 Q. And he didn't bring the drugs to your house?

2 A. No.

3 Q. And did you ask him about what had happened in
4 December of 1998?

5 A. Yeah.

6 Q. And what did he tell you?

7 A. He told me -- he said, I rather not get you
8 involved in this, so I won't tell you this.

9 Q. And you knew he was charged with capital
10 murder, and you weren't concerned to find out the facts?

11 A. Oh, I questioned him many times. He didn't
12 want to tell me.

13 Q. So you know nothing about this case?

14 A. No.

15 Q. And nothing about what Charles Mamou does when
16 he's not around you?

17 A. No.

18 Q. Because the only things that you said to the
19 jury are good things about him.

20 A. That's all I can say.

21 Q. That's the only part of him that you've seen?

22 A. Yeah.

23 Q. But you know that he chose to take the easy way
24 out and make money from selling drugs? You know that
25 about him, don't you?

92

1 A. I never seen him with it, so I really can't say
2 that.

3 Q. So he never told you he sold drugs?

4 A. No, but I knew that's what he was charged with.

5 Q. And I believe you told the jury that you heard
6 that he sold drugs. Did you not just say that a few
7 minutes ago, that he gave money to his family?

8 A. Yeah, he gave money to his family.

9 Q. And you said you had heard he sold drugs?

10 A. Yeah.

11 Q. You said yes, right?

12 A. Yes.

13 Q. And you never tried to stop him from doing that
14 or tell him not to do that?

15 A. No. He will just shake me off when I would
16 tell him things. We would never get into a deep
17 discussion about nothing.

18 Q. During that time, you were working every day?

19 A. Yes.

20 MS. CONNORS: I have no further questions,
21 Your Honor.

22 The court: I have no further questions.

23 THE COURT: Call your next.

24 MR. WENTZ: Joseph Dwight Savoie.

25

93

1 JOSEPH DWIGHT SAVOIE,

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WENTZ:

5 Q. Good morning.

6 A. Good morning.

7 Q. Would you please tell us your name?

8 A. Joseph Dwight Savoie.

9 Q. And, sir, could you please pull the microphone
10 closer to your mouth. Could you tell us where you live?

11 A. Lafayette, Louisiana.

12 Q. And could you tell us what you do in Lafayette,
13 Louisiana for employment?

14 A. I'm a teacher.

15 Q. What do you teach?

16 A. Special education.

17 Q. And, sir, if you could, please keep your voice
18 up, and maybe pull the microphone a little bit closer to
19 you.

20 A. Okay. Is that better? There.

21 Q. For me it is. Could you tell us what degrees
22 you have?

23 A. My undergraduate degree is in speech and
24 hearing pathology. I have an undergraduate degree in
25 education, and I'll be acquiring a master's degree on

94

1 December 10th of this year.

2 Q. Where are you from?

3 A. I'm originally from Sunset.

4 Q. Do you know a Charles Mamou, Jr.?

5 A. Yes, I do.

6 Q. Do see him in the courtroom?

7 A. Yes.

8 Q. Could you describe him by an article of
9 clothing that he's wearing?

10 A. Tan shirt.

11 MR. WENTZ: May the record reflect he's
12 identified the defendant?

13 THE COURT: It will.

14 Q. (BY MR. WENTZ) What is your relationship with
15 Charles?

16 A. Charles is my nephew.

17 Q. And you use the word, Charles. Is that what
18 other people call him, or does he have a nickname?

19 A. We all refer to him as Chucky.

20 Q. Did you have very much contact with him as he
21 was growing up?

22 A. Yes.

23 Q. By what side of the family are you related to
24 him?

25 A. His mother's side.

95

1 Q. Were you even present the day he was born?

2 A. Yes.

3 Q. From being around the family, could you
4 describe when he was very young and living at Sunset
5 where he was raised, what homes he was raised in?

6 A. Okay. He spent almost divided time with his
7 father, his parents, and at home with his mother and my
8 parents.

9 Q. So would he go back and forth between these
10 various homes?

11 A. Pretty much.

12 Q. What were the names of the paternal
13 grandparents that he lived with?

14 A. Waymond, and I think the grandfather was -- we
15 all refer to him by nickname.

16 Q. Tell us what the nickname is.

17 A. Yank.

18 Q. About how much time would he spend in a week
19 during these young years?

20 A. I would say the majority of the time was spent
21 there, roughly three or four days out of the week or
22 more.

23 Q. Would you describe this grandfather for us?

24 A. Well, he worked. But the thing I remember most
25 vividly about him is he drank a little -- well, pretty

96

1 much.

2 Q. Would you consider him an alcoholic?

3 A. In my opinion, yes.

4 Q. When you say most of the time was spent with
5 the paternal grandparents, how much of the rest of the
6 time was spent with his mother and her side of the
7 family?

8 A. Whatever time was left in the week. It was the
9 majority of the time. I will say eighty percent was
10 spent.

11 Q. As Charles grew older, did you see his father
12 being involved in his life at all?

13 A. Very little.

14 Q. Did you ever have occasion to realize or come
15 to know how Charles felt about his father?

16 A. Yes.

17 Q. And when did that become apparent to you?

18 A. Well, when he was old -- I guess, in order to
19 explain that, I may need to go through -- his dad would
20 come down from Houston to Sunset in his cars and jewelry
21 and so forth. The kids would look up to that. Later on
22 in life, I guess Charles saw how -- well, Chucky saw
23 that there was a little glamor in that; but later it got
24 to the point where basically I thought he had some
25 resentment towards his father.

97

1 Q. Describe the cars, the jewelry, the flashy.

2 A. I can't remember. I remember gold chains, a
3 lot of rings, and I think the car was a Lincoln
4 Continental.

5 Q. And what -- from your observation, what was
6 Chucky's reaction to seeing his dad in these younger
7 years as he came back to Sunset all jeweled up?

8 A. Well, I would imagine, like any kid, he was
9 basically impressed with that.

10 Q. When was it that you came to realize he might
11 resent his father?

12 A. In his late teens, I would imagine.

13 Q. Why did you come to this conclusion?

14 A. Well basically because he told me.

15 Q. Did he say what it was exactly that he didn't
16 like or why he resented him?

17 A. He felt his daddy should have been a bigger
18 part of his life as he was growing up.

19 Q. I'd like for you, if you would, to describe
20 Sunset, Louisiana. How many people live there, if you
21 know?

22 A. A rough estimate is between 2500 to 3500
23 people.

24 Q. And I believe it's north of Lafayette?

25 A. Yes.

98

1 Q. What is the racial mix?

2 A. I think Sunset is sixty percent white, forty
3 percent black. The town is controlled by the whites.
4 Would you like for me to go on?

5 Q. Well, go ahead?

6 MR. MCCLELLAN: I'd ask he proceed by
7 question and answer.

8 THE COURT: Sustained.

9 MR. MCCLELLAN: Also respond to the
10 question.

11 Q. (BY MR. WENTZ) Of the sixty-forty split, is it
12 a segregated town?

13 A. Pretty much.

14 Q. Where does Charles live in the town?

15 A. On the -- when I lived there, the street was
16 called Belvieu. I think it's Parish Road now.

17 Q. Is that a richer or poorer part?

18 A. Extremely poor part of town.

19 Q. And overall, how would you describe Sunset?
20 Is it a rich town, a poor town, what?

21 A. Very economically deficient.

22 Q. When did you leave Sunset?

23 A. I left Sunset when I was twenty-six, I think.

24 Q. Why did you leave?

25 A. There was no opportunity there in the town, and

99

1 I just felt if I would have stayed there that it was no
2 way in the world that I was going to prosper.

3 Q. What was it like living in Sunset?

4 A. It was extremely hard.

5 Q. Why?

6 A. The town itself, to me, it was depressing. It
7 was, again, no opportunity there. Neighbors in that
8 town kind of hold each other down. And if you try to
9 make some stride, there is always going to be somebody
10 there to pull you down. There is no way to motivate you
11 to do anything.

12 Q. Have you ever worked in the Sunset area?

13 A. I worked in that area as a probation officer
14 for the State.

15 Q. How long did you work there?

16 A. The job was out of Lafayette, and I worked
17 there with that job for about eight years.

18 Q. While you were working as a probation officer
19 there in Sunset, did you ever experience how people
20 would try to tear you down and keep you from getting
21 ahead?

22 MR. MCCLELLAN: I object to leading, Your
23 Honor.

24 THE COURT: Sustained.

25 MR. MCCLELLAN: And relevance.

101

1 A. That would be the corner down the street from
2 my house, and they call that the unemployment tree.

3 Q. Why do they call it the unemployment tree?

4 A. That's where everybody hangs out.

5 Q. Are there any large industries or any
6 industries in Sunset?

7 A. No, ma'am.

8 Q. As you saw Charles growing up, was he ever a
9 member of any gang?

10 A. Not to my knowledge.

11 Q. As you saw Charles grow up, did you ever see
12 him within the family assume a responsibility?

13 A. Yes.

14 Q. Could you describe that for us, please?

15 A. Well, he was basically the big brother to the
16 family and the father; because, again, his mother was a
17 single parent. And he took, on his own, some
18 responsibility that I thought was really mature for his
19 age, but he did it.

20 Q. Why did you come to that conclusion?

21 A. Well, I was there observing him; and I saw he
22 would do without things so his little brothers and
23 sisters could have certain things. I also saw him
24 sometimes fix food for them, just taking care of them
25 like a parent would sometimes.

100

1 Q. (BY MR. WENTZ) Did you ever experience how
2 people pulled you down in Sunset?

3 MR. MCCLELLAN: I object to the relevance,
4 Your Honor.

5 THE COURT: Sustained.

6 MR. WENTZ: Your Honor, it goes to show --

7 THE COURT: What's it got to do with the
8 defendant?

9 MR. WENTZ: This is the town he lives in.

10 THE COURT: You're talking about his work
11 as a probation officer.

12 Q. (BY MR. WENTZ) You've talked about there not
13 being a great number of opportunities for work. What's
14 the unemployment like in Sunset?

15 A. I'm not sure what the percentage of
16 unemployment is, but the majority of the people that I
17 know --

18 MR. MCCLELLAN: Object to being
19 nonresponsive.

20 THE COURT: Sustained.

21 Q. (BY MR. WENTZ) Is there a significant number
22 of unemployed?

23 A. Yes, especially males.

24 Q. Is there even in that town a landmark that's
25 associated with unemployment?

102

1 Q. When you saw him in this role, did he accept it
2 did he reject it? How did he feel about it, in your
3 observations?

4 A. In my opinion, it was just what he felt he
5 needed to do to make things okay for his family.

6 Q. Did Charles grow up rich or poor?

7 A. We were extremely poor.

8 Q. Could you describe the home where they lived on
9 Sunset?

10 A. Yes. Again, it was a single parent home. They
11 lived with -- in the beginning -- with my mother, and
12 there were times when there wasn't any food in the house
13 to eat.

14 Q. Have you actually physically seen that
15 yourself?

16 A. Yeah, I actually -- I was in college, and I had
17 to come back and buy groceries for them.

18 Q. When Charles was younger -- I'm going to talk
19 about the number thirteen -- was he big or small for his
20 age?

21 A. He was a thin, lanky kind of kid.

22 Q. And did he wear glasses, or didn't he wear
23 glasses?

24 A. He wore glasses for a short time.

25 Q. Do you know what happened to the glasses?

103

1 A. If I remember correctly, they kind of
2 disappeared because the kids were teasing him about it.

3 Q. When he was under thirteen, did he have
4 occasion to get in fights?

5 A. I don't recall.

6 Q. What's Charles like to be around?

7 A. Well, with me he's a fun kid. I say kid. I
8 know he's a man now, but I've never had him disrespect
9 me. Respects my opinion, and he seemed to be basically
10 trying to do the right thing.

11 Q. Now you've indicated to us that you moved away
12 from Sunset when you were about twenty-six years old and
13 that you live in Lafayette now, correct?

14 A. Correct.

15 Q. Since you've moved away, what is your contact
16 with Sunset now?

17 A. I go there to see my family, and I try to spend
18 as little time there as possible. And again, that's
19 because of the way the town is. I would never live
20 there again.

21 Q. What personal qualities did you see Charles
22 display? Are there any special ones you'd like us to
23 know about?

24 A. His genuine care for his family, basically his
25 genuine goodness. He's always the kind of person that

105

1 A. Yes.

2 Q. You talked about a maternal grandmother who
3 lived in the house. Who was that?

4 A. That was my mother.

5 Q. What is her name?

6 A. Mary Francis Johnson.

7 Q. Is she with us now?

8 A. No, she died in 1994.

9 Q. Could you describe what that impact of that
10 death was like on the family and Charles?

11 A. My mother was terminally ill at home, and the
12 kids were there living in the household with her, and
13 Charles was one of the older kids. He's the older among
14 the older grandchildren, and she had him pretty spoiled;
15 and they witnessed her go through her death, and
16 basically it was pretty rough. She, again, dropped a
17 lot of weight in a quick time. She lost the ability to
18 be mobile. And the kids were there, and they basically
19 tried to take care of her.

20 Q. As you've had occasion to go back to Sunset, do
21 you know a person by the name of Timmy Thomas?

22 A. I don't know him personally.

23 Q. Is there a stigma that attaches to young men
24 who fool around on the ladies that they're involved with
25 and have children out of wedlock?

104

1 would do anything for anybody.

2 Q. Would you describe him as generous?

3 A. To a fault.

4 Q. Describe how he would be generous to people in
5 the town.

6 A. Well, I observed people come and tell him they
7 basically -- let's say, for instance, they didn't
8 have -- they were short \$20 to pay a bill or something.
9 He'd pull it out of his pocket, Here you go.

10 Q. From your experience, your relationship with
11 Charles, why didn't he follow your example?

12 A. Well, basically --

13 MR. MCCLELLAN: I object. It calls for
14 speculation.

15 MR. WENTZ: Your Honor, I asked for his
16 experience with the defendant.

17 THE COURT: Why didn't the defendant
18 follow his example? He's going to speculate.
19 Sustained.

20 Q. (BY MR. WENTZ) Do you know whether or not
21 Charles was involved with drugs?

22 A. I can't say from personal observation, no.

23 Q. Have you heard he was involved with drugs?

24 A. Yes.

25 Q. Have you ever confronted him about that?

106

1 MR. MCCLELLAN: I object to relevance.

2 THE COURT: It's already been brought up.
3 I'm going to allow it.

4 THE WITNESS: It's been my experience in
5 this, I don't know, that's just a way of life. It's
6 accepted.

7 MR. WENTZ: I pass the witness.

8 CROSS-EXAMINATION

9 BY MR. MCCLELLAN:

10 Q. I apologize, sir. I don't know how to
11 pronounce your last name.

12 A. Savoie.

13 Q. Mr. Savoie, you said that the defendant split
14 time growing up between your house where you lived, I
15 guess, with your mother and father; is that correct?

16 A. No.

17 Q. Tell me how -- there is two different houses,
18 maternal and paternal grandparents to split time
19 between?

20 A. Correct. He and his mother was living with my
21 mother.

22 Q. How old are you?

23 A. Forty-two.

24 Q. Okay. Do you know what age the defendant is?

25 A. I'm sorry?

107

1 Q. Do you know what age the defendant is?

2 A. Roughly, yes.

3 Q. Okay. He was born in 1974, so that puts him
4 about twenty-five, twenty-six. So what period of time
5 then -- where did you live? What age did you leave
6 Sunset, Louisiana?

7 A. I was about twenty-six.

8 Q. So you left when you were twenty-six. What age
9 was the defendant?

10 A. Well, actually within -- when I told you I
11 left, I left the town physically. I only lived nine
12 miles down the street from there. It's a hop, a skip,
13 and a jump.

14 Q. So you didn't live in the same -- you weren't
15 living in the household at the time he was staying
16 there?

17 A. I may have gotten my age at the time wrong. I
18 left Sunset in 1985.

19 Q. Okay. So if the defendant was born in 1974,
20 then from 1974 to 1985, I guess at age eleven, then
21 that's when you would have left. So up until age
22 eleven, was that during the period of time from the time
23 he was born -- I think you said you were present -- up
24 until age eleven?

25 A. I'm sorry. I can barely hear you.

108

1 Q. Are you saying then that between the time he
2 was born until age eleven is the time he split time
3 between the two grandparents growing up?

4 A. Even beyond age eleven.

5 Q. Even beyond that. So it wasn't just staying in
6 a home where it was just his mother by herself. There
7 were other people around?

8 A. Right.

9 Q. Now did you grow up poor, or did you grow up
10 advantaged?

11 A. No, we grew up poor.

12 Q. And then you left Sunset, Louisiana. Would you
13 consider the degree of poverty that you grew up in to be
14 similar to the degree of poverty that the defendant grew
15 up in?

16 A. Actually, about the same.

17 Q. Now when you were a probation officer in
18 Lafayette, Louisiana, were you a probation officer at
19 the time the defendant was on probation? Did you know
20 about that?

21 A. No, he wasn't on probation --

22 Q. Under you. I understand they wouldn't do that,
23 I'm sure. But did you know that he was on probation for
24 the offense of possession with intent to deliver a
25 controlled substance?

109

1 A. I knew that he was on probation, but I didn't
2 know for what.

3 Q. You never asked him what he was on probation
4 for?

5 A. No. This would be the time I was a probation
6 officer.

7 Q. You indicated that you confronted him about the
8 fact that he was supposedly dealing drugs. When would
9 that have been, at what age? Or how many years ago, or
10 what year it was?

11 A. Maybe about a year or two.

12 Q. So it would be after the time that he was
13 actually on probation that you then counseled him that
14 he should never do this and change his life?

15 A. Yes.

16 Q. And to your knowledge, did that advice make --
17 did he follow your advice?

18 A. From what I understood, yes.

19 Q. Well, did you know that he was continuing to
20 deal drugs up until December 6th of 1998?

21 A. No.

22 Q. Do you know the facts that surround this case?

23 A. No.

24 Q. You don't know what the surrounding
25 circumstances were? You know a jury has found him,

110

1 though, guilty of capital murder? Did you know that?

2 A. No.

3 Q. Why do you think you're here?

4 A. As a character witness.

5 Q. Well, a jury has found him guilty of the
6 offense of capital murder. Do you know what capital
7 murder is?

8 A. Yes, sir.

9 Q. Now you've grown up in Sunset, Louisiana. You
10 know a lot of people from Sunset, Louisiana?

11 A. Right.

12 Q. Those people that you know from Sunset,
13 Louisiana grew up in the same type poverty, everybody
14 together, right?

15 A. Not necessarily, no.

16 Q. How many people you know from Sunset, Louisiana
17 that grew up in what you call poverty-type
18 circumstances, similar to what you grew up in and
19 similar to what the defendant grew up in?

20 A. How many people?

21 Q. How many people do you know?

22 A. A few people I grew up with.

23 Q. Two or three, or do you know twenty, or thirty,
24 or a hundred?

25 A. I would have to sit down and do a statistical

111

1 analysis of that. I can basically tell you in
2 comparison to our situation. I would have to describe
3 that for you to understand what I mean.

4 Q. No. I'm asking you what you mean. In
5 relationship to what you think your degree of poverty
6 was, you said it was similar to what you grew up in,
7 that the defendant grew up in?

8 A. Right.

9 Q. Now other people -- how many other males do you
10 know from Sunset, Louisiana that grew up in that same
11 type of poverty situation?

12 A. There were a lot of people that grew up on the
13 same street, but they had both parents at home.

14 Q. Okay. All right. Now how many people from
15 Sunset, Louisiana, which you, I believe, said is a
16 community where you try to pull people down, a very
17 impoverished area -- how many people from Sunset,
18 Louisiana do you know who have been convicted of the
19 offense of capital murder?

20 MR. WENTZ: Your Honor, that's immaterial
21 or irrelevant.

22 THE COURT: It's overruled.

23 Q. (BY MR. MCCLELLAN) How many people do you know
24 from Sunset, Louisiana who have been convicted of the
25 offense of capital murder?

112

1 A. I know several people that have been convicted
2 of murder; but whether it was capital murder or not, I'm
3 not sure.

4 Q. All from Sunset, Louisiana?

5 A. Yes, sir.

6 Q. Offenses committed in Sunset, Louisiana?

7 A. Yes, sir.

8 Q. People of what age? Do you know of people
9 that you grew up with?

10 A. Well, I witnessed a murder in front of a house.
11 They all lived with me in the same neighborhood. It
12 wasn't people in any age bracket. It's people in their
13 fifties down to when they're teenagers it happened.

14 Q. You don't contend the fact that it happened in
15 Sunset, Louisiana -- him, being the defendant -- that
16 caused him to commit the offense of capital murder?

17 A. I would not even attempt to make that kind of a
18 statement.

19 Q. Okay. You indicated that the defendant grew up
20 very poor, but then you indicated he was generous to a
21 fault?

22 A. Uh-huh.

23 Q. At times somebody was \$20 short of something,
24 and you pull out a twenty and say let's cover something?

25 A. Right.

113

1 Q. If he grew up in such an impoverished
2 situation, when was it that he became rich?

3 A. I will answer that in this way: You don't
4 necessarily have to be rich monetarily in order to do
5 those kind of things; because we were raised that way,
6 that number one, we were taught charity and we were
7 raised in church. You gave someone your last twenty,
8 God bless you. And the twenty dollars you gave away
9 came back to you sixfold, so it didn't matter if it was
10 your last twenty or your first.

11 Q. I understand. And when you were raised in this
12 church, I assume the defendant was raised in a
13 religious-type surrounding much like you were?

14 A. Pretty much, yeah. That's the generosity that
15 was taught to us by our parents, and we handed that down
16 to the children.

17 Q. Sure. And if a person then turns away from
18 that type of teaching, it's not generous to kill
19 someone, is it.

20 MR. WENTZ: This is not material or
21 relevant.

22 THE COURT: I don't know where we're
23 headed. I'm going to sustain it for the moment.

24 Q. (BY MR. MCCLELLAN) Does that violate the
25 religious Ten Commandments under which you grew up?

114

1 A. I think that would violate any religion.

2 MR. MCCLELLAN: I'll pass the witness,
3 Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WENTZ:

6 Q. Did you wonder where Charles got his money
7 from?

8 A. You mean, when he wasn't borrowing it from me?
9 At that time Charles was an adult.

10 MR. MCCLELLAN: I object to being
11 nonresponsive.

12 THE COURT: Sustained.

13 Q. (BY MR. WENTZ) Are drugs a problem in Sunset?

14 A. Earlier you asked about the industry in Sunset.
15 And if drugs was an industry, that would be the industry
16 for that town.

17 Q. When Charles was arrested, was there a
18 significant amount of media coverage of the event in
19 Sunset, in Lafayette?

20 A. Yes.

21 Q. Was it in the newspapers?

22 A. Yes.

23 Q. Was it on television?

24 A. Yes.

25 Q. Was it on radio?

115

1 A. Yes.

2 MR. WENTZ: I'll pass the witness.

3 RECCROSS-EXAMINATION

4 BY MR. MCCLELLAN:

5 Q. Then how come it is that you do not know the
6 facts and circumstances of the situation?

7 A. The facts and circumstances of the situation
8 were reported, I think, when he was arrested. That
9 arrest was made. As far as what he was arrested for, as
10 I said, I saw Charles from a baby. And again, being
11 raised the way I was, I couldn't accept it. I didn't
12 normally watch this stuff when it came on television.
13 It was only for a flash, and I turned it off.

14 MR. MCCLELLAN: Pass the witness.

15 MR. WENTZ: I would have no further
16 questions.

17 THE COURT: Call your next.

18 CHARLES MAMOU, SR.,

19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. WENTZ:

22 Q. Sir, will you please state your name for the
23 members of the jury?

24 A. My name is Charles H. Mamou, Sr.

25 Q. Where do you live, sir?

116

1 A. 2600 Westridge, Houston, Texas.

2 Q. And are you currently married?

3 A. Yes, I am.

4 Q. And from that marriage, how many children do
5 you have?

6 A. One.

7 Q. How old is that child?

8 A. Eight.

9 Q. And his name?

10 A. Kelvin Mamou.

11 Q. Do you know the young man seated to my right
12 here?

13 A. Yes, I do.

14 Q. Is that your son, Charles?

15 A. That's my son, Charles.

16 Q. Could you tell the members of the jury -- I
17 want to take you back to the point in time where you and
18 Charles' mother, Mary, were married and living together.
19 Where would that have been?

20 A. Where was that at?

21 Q. Yes, sir.

22 A. Well, we started out in Sunset, Louisiana.

23 Q. And where did you move to from there?

24 A. We moved to Houston, Texas.

25 Q. Why did you move to Houston?

117

1 A. Well, they had better paying jobs out here in
2 Houston than they did in Louisiana.

3 Q. What type of work were you doing in Louisiana
4 when you lived there?

5 A. Worked as a roustabout.

6 Q. What is that, for the members of the jury?

7 A. Building locations for oil rigs.

8 Q. How long did you work in that capacity?

9 A. I think about three years.

10 Q. When you moved to Houston, where did you
11 settle? What part of town?

12 A. More or less, South Union area.

13 Q. And what is?

14 A. Outside -- east side, rather.

15 Q. What did the family consist of at the time you
16 moved to Houston? How many children did you have at
17 that point?

18 A. One, Charles, Jr.

19 Q. How long did you and Mary stay in the Houston
20 area?

21 A. Oh, I guess about six years, I guess.

22 Q. And during that period of time, did you have
23 any other children?

24 A. No.

25 Q. How many children total do you have?

118

1 A. Total?

2 Q. Yes.

3 A. Four.

4 Q. So you have the one son, Kelvin, that lives
5 with you and your wife now?

6 A. Right.

7 Q. You have Charles, Jr., and then you have three
8 other children?

9 A. Two.

10 Q. I'm sorry, two others. And could you tell the
11 members of the jury, where did you ultimately work in
12 the Houston area?

13 A. Well, when I first started out, it was -- let's
14 see -- Houston Systems Manufacturing Company. I started
15 working for them back in '74. I think I worked for them
16 two years. And then after that I went to Stafford, more
17 or less, and worked at E.I.M. Company.

18 Q. And what is the E.I.M. Company? What kind work
19 is that?

20 A. It's more like building like gear boxes, little
21 small gear boxes.

22 Q. How many years did you work for them?

23 A. I don't think I worked for them that long. I
24 think it was more or less like about eight months. I
25 found a better paying job.

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1 Q. Okay. Now at what point, do you and Charles' mother, Mary, separate?

2 A. I think it was around '80, 1980.

3 Q. What was the cause of the separation?

4 A. Well, I guess it was more or less me, you know. Most people could say, you know, the woman wasn't any good; but it was more or less my fault.

5 Q. What did you do?

6 A. Well, I came here from a small town. Seeing all the bright lights and city, I guess it got to me.

7 Q. How so? How do you mean, it got to you?

8 A. Well, just, I guess I really wasn't being quite a father like I should have been and a husband like I should have been.

9 Q. Why? What did you do different?

10 A. Beg your pardon?

11 Q. What did you do that suggested --

12 A. Going out, staying out late, drinking binges, gambling, stuff like that.

13 Q. Okay. Did you have relationships with other women outside of your marriage?

14 A. Not while we were together. After we separated, yes.

15 Q. When you separated, you stayed here in Houston, correct?

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1 any of his school activities or anything, or were you always living here and he was always living in Sunset?

2 A. Yeah, he was living in Sunset. If I'm not mistaken, I think maybe once or twice I did get a chance to come down to one of the functions or the basketball game they had.

3 Q. Would the basketball games have been when he was in high school then, or are you talking about when he was much younger?

4 A. When he was in high school, more or less.

5 Q. What type of things did your son like to do when he would get together with you, other than when he was real young and you would just drive around?

6 A. You mean, as he got older?

7 Q. Uh-huh.

8 A. Well, like I said, we would ride around, maybe go and shoot pool or something when he was old enough. And down there I think it's like -- you have to be like eighteen or something to enter the clubs or something. It's not like here.

9 Q. How old do you have to be here?

10 A. Twenty-one, more or less. Well, to consume alcoholic beverages, you have to be twenty-one.

11 Q. This place you operate now is Kelvin's Corner?

12 A. Right.

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1 A. Yes, I did.

2 Q. And Mary moved back to Sunset?

3 A. Yes.

4 Q. Did she take Charles with her?

5 A. Yes, she did.

6 Q. And during that time period, did you go and visit Charles in Sunset?

7 A. Yes, I would.

8 Q. How often?

9 A. I don't know, once a month. It all varied. I can't be specific; but maybe once a month, twice a month or something.

10 Q. But it just depends on other things you were doing at the time?

11 A. If I get a chance to get off from work, if I knew what my work schedule was.

12 Q. What did you do with Charles when you'd go see him in Sunset?

13 A. Well, I pick him up and we ride around, whatever. He was pretty small at the time, so I would pick him up and we would ride around.

14 Q. How old was he when Mary left to go back to Sunset?

15 A. Six.

16 Q. And did you ever participate with Charles and

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1 Q. What type of location is that? What type of business?

2 A. That's more or less an icehouse. You can come and drink beer, wine coolers, what have you.

3 Q. How long have you had that business?

4 A. Opened up -- well, I had it since '94; but I opened up March 8th, 1995.

5 Q. Would your son come and visit you there at Kelvin's Corner?

6 A. Periodically.

7 Q. Did you ever talk with your son about the fact that you and his mother had separated? Was that ever a discussion that you had with him?

8 A. We discussed that a few times, yeah.

9 Q. Did you ever explain to him why it was that you and his mom separated and were not going to live together?

10 A. On a couple of occasions I told him, yeah. I told him, yeah, I took the blame. I didn't put it on nobody else. I took the blame.

11 Q. How did you -- how old was he when you explained this to him?

12 A. Well, you know, as he was coming up, you know, different ages; because I didn't just tell him once. I told him more than once, you know.

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1 Q. Now, as Charles got older, would he come and
2 visit you on a regular basis or irregular basis while
3 you're living here in Houston?

4 A. No. He would come, like I said, periodically
5 and visit me.

6 Q. What does that mean, periodically? How often
7 would that be?

8 A. Well, it's no certain standard or no certain
9 pattern or what have you. I might see him one month. I
10 might not see him for six months. It all depends.

11 Q. Okay. Even though you didn't have a close
12 physical relationship in terms of the miles that existed
13 between you, did you feel like you were close with your
14 son?

15 A. Yes, I felt we were close. We was always able
16 to talk, you know.

17 Q. Did he ever express any bitterness toward you
18 over the fact that you and his mom ended up separating
19 and divorcing?

20 A. No, he never did express any bitterness to me.

21 Q. Did you feel as though you provided the type of
22 role model that you wanted him to be as an adult,
23 himself?

24 A. Well, I want to say it's, like this: With most
25 families, really you have to start from the bottom, your

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1 A. Well, you explained to me because I was going
2 to be a witness, and witnesses couldn't come in and
3 listen to the other people's testimony.

4 Q. Okay. Let me ask you this: Let me draw your
5 attention back to the Labor Day weekend of 1998, in this
6 last year.

7 A. Uh-huh.

8 Q. Did you have an occasion to see your son during
9 that weekend period?

10 A. Yes, I did.

11 Q. When I say your son, I'm talking about Charles
12 Mamou, Jr.

13 A. Yes, I did.

14 Q. Could you tell the members of the jury where
15 you saw him?

16 A. I seen him in Sunset, Louisiana.

17 Q. Why were you in Sunset last Labor Day?

18 A. My brother got married -- not last Labor Day --
19 or was it last Labor Day, 1998?

20 Q. When I say last Labor Day, I'm not talking
21 about 1999. I'm talking about last year, 1998.

22 A. Okay. Yeah, '98. Yes, I was down there for my
23 brother's wedding.

24 Q. And where was it? Do you recall the location
25 in Sunset where you saw your son?

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1 upbringing. And with me not being there, it was always
2 going to be a difference. And I felt real bad about it;
3 because, you know, if I would have been there, you know,
4 I felt maybe it would have been a little different.

5 Q. How so?

6 A. Well, I don't know. It's just maybe I could
7 have been there to instill something in him on the
8 upbringing. It's just that it takes two to raise kids.

9 Q. Okay. Now you understand what Chucky has been
10 found guilty of, don't you?

11 A. Well, I understand what he's been found guilty
12 of, yeah.

13 Q. And has it been difficult for you because I've
14 not had you sitting in the courtroom while the evidence
15 has been produced?

16 A. Yes, it's been very difficult for me; because,
17 I mean, I wasn't able to sit in and listen to the
18 evidence or what was supposed to have transpired. Yes,
19 it was difficult.

20 Q. In fact, that was something you were upset with
21 me about when I told you I could not explain to you what
22 had taken place in the court, correct?

23 A. Yes, it was.

24 Q. Do you understand why I had you stay out in the
25 hallway?

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1 A. He was over at my mother's house.

2 Q. What's your mom's name?

3 A. Melameed (phonetical) Mamou.

4 MR. WENTZ: May I have just a moment,
5 Judge?

6 MS. CONNORS: Excuse me, Judge. May we
7 approach the bench, please?

8 THE COURT: Yes.

9 (Off-the-record discussion.)

10 Q. (BY MR. WENTZ) Do you have any statement you
11 would like to make to the jury?

12 A. Yes, I would. I would just like to ask the
13 jury to use their own mind as to the punishment phase on
14 this for my son.

15 Q. Is that all, sir?

16 A. Yes.

17 MR. WENTZ: I pass the witness.

18 CROSS-EXAMINATION

19 BY MS. CONNORS:

20 Q. You and I have never met?

21 A. No, we haven't.

22 Q. We've seen each other in passing?

23 A. Yes.

24 Q. Did you have a family where you came from that
25 was middle class, or how would you characterize your

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1 background?

2 A. Well, I guess, more or less, more like poor in
3 a sense.

4 Q. You taught your son right from wrong; is that
5 correct?

6 A. At the time, like I said, when I left, that me
7 and his mother split up, he was six years old. I did
8 the best I could.

9 Q. You said there were times -- the best I can
10 understand -- you stayed out late and drank and gambled?

11 A. I did say that.

12 Q. You didn't pull a gun on anybody?

13 A. No.

14 Q. You didn't rob people?

15 A. No, I didn't.

16 Q. You didn't shoot people?

17 A. No, I didn't shoot people.

18 Q. Do you know anybody from Sunset, Louisiana,
19 who's been the victim of capital murder?

20 A. Well, I'm not sure. Some people have been
21 convicted, but I'm not sure whether it was capital
22 murder or not.

23 Q. Do you know what capital murder is, the
24 difference between capital murder and murder?

25 A. I'm not sure. So maybe if you explain it to

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1 several times and almost killed him?

2 A. Well, he told me about the incident on Lantern
3 Point.

4 Q. I'm sorry, Mr. Mamou. My question was, did he
5 tell you that he shot another person several times and
6 almost killed him?

7 A. He didn't tell me about he shot another person
8 several times, but he told me about the incident.

9 Q. And that was part of Lantern Point. And I'm
10 trying to understand, sir. So he forgot that part? Is
11 that what you're saying?

12 A. I didn't say that. I said he told me about the
13 Lantern Point incident.

14 Q. Do you know at Lantern Point how many people
15 were shot that day, sir, yes or no, according to what
16 your son told you?

17 A. Well, my understanding, it was three.

18 Q. And one was shot multiple times and almost
19 died. Did he tell you that, sir, Kevin Walter?

20 A. Did Kevin Walter tell me that?

21 Q. Did your son tell you that, Mr. Mamou, that he
22 shot Mr. Walter several times, once in the back, and he
23 almost died? Did he tell you that?

24 A. Well, here again --

25 THE COURT: Can you answer that question

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1 me, I can answer.

2 Q. Capital murder is committing a felony along
3 with intentionally killing someone. Your son's been
4 convicted of kidnapping someone and intentionally
5 killing them.

6 A. Well, he has been convicted of that; but, I
7 mean, it's all insufficient. So, I mean, that's
8 theories.

9 Q. It's theories and it's insufficient, according
10 to what you say, Mr. Mamou. Did you ever ask your son
11 what had happened back there on Lantern Point?

12 A. I didn't ask him direct. We didn't talk about
13 it direct.

14 Q. So your son was charged with capital murder,
15 and it was not important enough for you to find out what
16 the facts were?

17 A. Yes, it was important enough, but he told me
18 enough what I need to know.

19 Q. What did he tell you?

20 A. He told me about the guys, and he told me he
21 didn't kill Mary Carmouche.

22 Q. Did he tell you that he shot the man and killed
23 him? Did he tell you that part?

24 A. Yes, he did.

25 Q. Did he tell you that he shot another man

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1 yes or no?

2 MS. CONNORS: I'd ask the witness to
3 respond.

4 THE COURT: Just answer the question she's
5 asking.

6 THE WITNESS: I don't know if I can answer
7 it direct, but he never did tell me where these guys
8 were shot or how they were shot, you know. And when I
9 say that, I mean he didn't tell me about it, the guy
10 being shot in the back, if that's what you want to know.

11 Q. (BY MS. CONNORS) What did he tell you about
12 Lantern Point, sir?

13 A. Like I said earlier, he told me that, you know,
14 he did shoot the three guys.

15 Q. And Lantern Point is right near your house,
16 isn't it?

17 A. Yes, it is.

18 Q. And you certainly didn't give him that gun, did
19 you, sir?

20 A. I sure didn't.

21 Q. That wedding that you said your -- that you
22 attended, your brother's wedding in Sunset --

23 A. Uh-huh.

24 Q. -- that was on Sunday, wasn't it?

25 A. No, it was a Saturday.

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1 Q. Wasn't it on a Sunday, Mr. Mamou?

2 A. It was a Saturday.

3 Q. How many hours did it take to get to Sunset
4 from here?

5 A. It all depends on how you drive.

6 Q. Were you there on Sunday, in Sunset, Louisiana,
7 when your son told Terrence Dodson that he had shot the
8 man in the back? Were you present at that conversation?

9 A. No, I wasn't.

10 Q. And isn't it true that after the police came
11 and talked to you, you called your son up about Lantern
12 Point; and you asked him if he did it, and he told you
13 he felt like you were setting him up; and he heard the
14 phone click, so he hung up on you?

15 A. The phone hung up, yes, it did; but he didn't
16 tell me that.

17 Q. Did he ask for your help to get a ticket to
18 Mexico?

19 A. No, he didn't.

20 Q. In fact, he had come to town on Thursday,
21 December 3rd, before he shot these people, didn't he?

22 A. I'm not sure when he got in town.

23 Q. Well, didn't you tell the police officers when
24 they came to your house, when they drove -- I'm sorry --
25 they drove to Kelvin's Corner -- that you said Chucky

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1 MS. CONNORS: I have no further questions.

2 THE COURT: Anything else on redirect?

3 MR. HILL: No.

4 THE COURT: What says the State? I'm
5 sorry. What says the defense?

6 MR. HILL: We rest, Your Honor.

7 MR. MCCLELLAN: State of Texas closes,
8 Your Honor.

9 THE COURT: Both sides close. All right.
10 Could y'all approach, please? Anything else you want me
11 to cover?

12 (Off-the-record discussion.)

13 THE COURT: You brought your clothing and
14 medicine and this kind of thing, because we anticipated
15 we were going to go ahead and charge you by early
16 afternoon. And that did not happen, so we are not going
17 to charge the jury in this case at this time; because
18 you would possibly be here quite awhile, and we would be
19 making that decision whether or not to sequester you
20 this evening. So, we're going to be adjourning until
21 tomorrow morning. All the evidence in this case has
22 closed. There will be no more testimony in this case.

23 Tomorrow morning at 10:00 o'clock we're
24 going to argue the case. We have some things we have to
25 get out of the way before we leave this evening. We're

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1 was your son and he lives in Sunset, Louisiana?

2 A. That's what I said.

3 Q. And didn't you say that Chucky had come to town
4 on Thursday, December 3rd?

5 A. No, that's incorrect.

6 Q. And didn't you say that he and Terrence Dodson
7 had come by the restaurant?

8 A. I told him they came by my place Thursday
9 night. I didn't tell him they came into town Thursday
10 night.

11 Q. Didn't you tell him Chucky was supposed to have
12 come to the restaurant on Sunday to celebrate his
13 birthday, but he never showed up?

14 A. No, I didn't tell him that.

15 Q. Mr. Mamou, that was his birthday, wasn't it?

16 A. Yes, it was.

17 Q. When the sergeants came and spoke with you,
18 they didn't know your son's birthday, did they?

19 A. I don't know whether they knew it or not.

20 Q. Let me ask you one more time, sir. Didn't you
21 tell them that your son was supposed to come to the
22 restaurant on Sunday to celebrate his birthday, but he
23 never showed up? Yes or no?

24 A. No.

25 MR. HILL: We object.

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1 going to ask you to return tomorrow at 10:00 a.m.

2 Again, all the previous admonitions are still in effect.

3 You're not to discuss the case among yourselves, with
4 anybody else. If anybody attempts to talk to you about
5 the case, bring it to our attention immediately. Do not
6 discuss the case among yourselves until both sides have
7 argued the case and all twelve of you are back there
8 deliberating tomorrow morning. Again, do not make any
9 kind of independent investigation.

10 There are no requested admonitions or
11 instructions from the State or defense at this time?

12 MR. MCCLELLAN: No, Your Honor.

13 MR. HILL: No.

14 THE COURT: Anyone have a special problem
15 you need to bring to my attention? Again, tomorrow you
16 need to bring your clothing, medicines, toiletries; and
17 leave them in your vehicle, because I never know how
18 long you're going to be deliberating. Hopefully, based
19 on the amount of time we're telling the sides they have
20 to argue the case, you'll be deliberating this case by
21 11:30 or 11:45 tomorrow morning, before the lunch hour.

22 If there are no questions, please go back
23 in the jury room, retrieve your articles, we'll have one
24 elevator to take you down. Tomorrow morning, 10:00
25 o'clock, in your jury room.

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(Court adjourned.)

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1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Pamela Kay Knobloch, Official/Deputy
4 Official Court Reporter in and for the 179th District
5 Court of Harris County, State of Texas, do hereby certify
6 that the above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the Reporter's
10 Record, in the above-styled and numbered cause, all of
11 which occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's Record
14 of the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$_____ and
18 was paid by Harris County.

19 WITNESS MY OFFICIAL HAND this the ____ day of
20 _____, 2000.

21
22
23
24
25
Pamela Kay Knobloch, Texas CSR No. 1650
Expiration date: 12/31/2000
Official Court Reporter, 179th District Court
Harris County, Texas
301 San Jacinto
Houston, Texas 77002
713.755.6340

20 APPELLANT: CHARLES MAMOU, JR.
21 CAUSE NO. 800112

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REPORTER'S RECORD

VOLUME 24 OF 25 VOLUMES

TRIAL COURT CAUSE NO. 800112

CHARLES MAMOU, JR.) IN THE DISTRICT COURT
Appellant)
)
VS.) HARRIS COUNTY, TEXAS
)
THE STATE OF TEXAS)
Appellee) 179TH JUDICIAL DISTRICT

ARGUMENTS OF COUNSEL-PUNISHMENT

On the 15th day of October, 1999, the following
proceedings came on to be heard in the above-entitled and
numbered cause before the Honorable Bob Burdette, Judge
Presiding, held in Houston, Harris County, Texas:

Proceedings reported by computer aided
transcription/stenograph machine.

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(Jury out.)

THE COURT: Let's go back on the record in Cause Number 800112, State of Texas versus Charles Mamou, Jr. It's my understanding, Mr. Hill, you have objection to the charge?

MR. HILL: Yes, Your Honor. We've submitted for the Court a requested jury charge on extraneous offenses and the need for the State to prove those, if they can, beyond a reasonable doubt. We've submitted that to you for your ruling at this time.

THE COURT: All right. And you have filed it as a written motion. In fact, you have a typed page with some other notations on it. That will be denied.

MR. HILL: All right. Judge, we would object to the Court's failure to include in the punishment charge a self-defense issue. The State had reoffered all the evidence from the guilt/innocence stage of the trial. And since they are relying upon testimony regarding the death of Terrence Gibson, we believe we're entitled to a self-defense charge so the jury can evaluate that evidence in its proper light.

THE COURT: It's denied.

MR. HILL: We are also requesting the Court submit an alibi defense to the jury at the punishment stage, because there has been testimony that,

next hour and twenty minutes or so, you may as well go out now, because you're not going to be allowed to come back in.

Bring them in, please.

(Jury is brought in and seated.)

THE COURT: Please be seated. Ladies and gentlemen, both sides having rested and closed in this case, I'm now going to charge you on the punishment stage.

(Court reads charge.)

THE COURT: Mr. McClellan.

MR. MCCLELLAN: May it please the Court? Ladies and gentlemen of the jury: Much like at the guilt/innocence stage of the trial, the Court has read you the charge. Again, you'll be able to take that charge back with you during your deliberations and be guided by the law given to you by the Court.

During voir dire some many weeks ago, we talked to each and every one of you individually. We talked to you, and I'm confident we talked to each and every one of you about the thing that we would ask you to do. And that is to a true verdict render based on the law and the evidence, and committed from you that wherever the law and the evidence took you, that's where you'd go. And I'm confident that each and every one you

with regard to the alleged killing of Mr. Williams, that the defendant was not present in Houston at the time of that alleged event.

THE COURT: You can't show me the Court of Criminal Appeals has changed its mind about alibi?

MR. HILL: No, but --

THE COURT: That's denied.

MR. HILL: We also would object to the Court's failure to include in its Special Issue Number One charge where it said that in deliberating on Special Issue Number One, you shall consider all the evidence admitted at the guilt or innocence stage and the punishment stage of the trial. And then there is a laundry list of items presently. It just said, including evidence of the defendant's background, character, record, or circumstances of the offense. We are asking that the Court include in that list pretrial disciplinary record and good acts.

THE COURT: You don't think that comes from background character and record? Your objection is overruled.

MR. HILL: That's all we have.

THE COURT: Okay. We got everybody down, so nobody in or out while this is going on. If you're going to be needing to exit the courtroom during the

have remembered this, and I'm confident that each and every one of you are committed to that promise. We're now here at a time where all we're going to ask you to do is go wherever the law and the evidence leads you. And whatever the answers are to those questions, that will be the answer that you give, whatever the law and evidence shows.

You know, we talked about these Special Issues at some length. You may be able to even recite them. But Issue Number One said: Do you find from the evidence beyond a reasonable doubt there is a probability? We talked about the fact probability means more likely than not. Doesn't mean a possibility. Doesn't mean a certainty. Something in between those two. That the defendant would commit criminal acts of violence that would be a continuing threat to society. We talked about what criminal acts of violence means. Criminal acts that are violent in nature, and that you get to answer this question based not only on the facts of the case itself, but on other evidence that you may hear about his character, his background, his criminal history, that type of information that you've now heard at the punishment stage of the trial.

And so your decision is, having heard all of this evidence, do you find from that evidence that

there is a probability that the defendant, Charles Mamou, Jr., as he sits here today, would be a continuing threat?

MR. HILL: Judge, we'd object. That's not a proper statement of the law. It's not only today. It's over the course of the period that the jury will be considering his incarceration.

MR. MCCLELLAN: That's why it says continuing threat.

THE COURT: I understand. It's overruled.

MR. MCCLELLAN: Be a continuing threat to society. Now the defense, I anticipate, is going to argue to you that, well, if he gets a life sentence, he won't be a continuing threat. It doesn't say that. It doesn't say, now if you find that he gets a life sentence, he won't be a continuing threat. It could have easily been read that way. It could have been worded that way, but it wasn't worded that way. I suggest to you that the Legislature intends for you to look at the defendant at the time of trial.

MR. HILL: Judge, I object to his own opinion of what he thinks the Legislature --

THE COURT: Objection sustained.

MR. HILL: Ask the jury be instructed to disregard.

answer Issue Number One yes, having already found him guilty of capital murder, he's going to receive the death penalty unless in Issue Number Two you decide there is sufficient reason or reasons he should not. That's how you're going to be guided. Not to say, well, we're voting to give this defendant the death penalty, or we're voting to give a life sentence. That's not the issue, nor the way it should be framed. The issue is to answer these questions based upon what the law and the evidence calls for. And if you follow that, you'll be well guided through this process.

We'll have an opportunity to respond to what their argument is. Miss Connors is going to talk to you about Issue Number One, and I'll come back to talk to you about Issue Number Two after the defense has had their opportunity to present their arguments. And I thank you for your time.

THE COURT: Mr. Hill.

MR. HILL: Thank you, Judge.

ARGUMENT OF THE DEFENSE

BY MR. HILL:

Ladies and gentlemen of the jury: Sunset, Louisiana, and Houston, Texas, two totally different places, a Tale of Two Cities, if you will, two places that are so different, yet joined together by a common

THE COURT: Disregard the last comments by the prosecutor, ladies and gentlemen.

MR. HILL: And we ask for a mistrial.

THE COURT: Denied.

MR. MCCLELLAN: Issue Number One asks you to look at the defendant as he's on trial today and for you to decide today, based on the evidence that you have heard throughout this trial, as to whether there is a probability he would be a continuing threat to commit acts of violence, continuing threat to society. That's what it asks you. It doesn't ask you if he's receiving a life sentence in the penitentiary, would he then be a continuing threat? It does not ask that.

If you find that he is a continuing threat to commit acts of violence to society, criminal acts of violence to a probability, then you go to Issue Number Two, and it talks about mitigating circumstances. We spent some time talking about that. That tells you basically to go back and look through all the evidence about the defendant's character, background, criminal history, or lack thereof, about the evidence from the crime itself, everything you've heard, and determine, are there sufficient mitigating circumstance or circumstances that rise to the level that you should change your vote from death to life? Because when you

plague, drugs. It's not to suggest that because drugs were involved that poor choices were not made, which ultimately led to someone's death, but do underscore the importance throughout the entirety of this case about how drugs played a role in the events of the tragedy that you heard about.

I think that for someone on the one hand to suggest that drugs have invaded America, and in this case in particular invaded several families, both the defendant's, as well as those on the other side, yet say that that has no bearing on our decisions in this case would be somewhat hypocritical or disingenuous.

Ultimately, your decision has to rest on the evidence in this case. And as Mr. McClellan told you, your verdict will take you wherever the law and the evidence takes you. But each one of you also gave us a promise that you would strongly consider all of the evidence before you make a decision. And you know, it's not just enough to pay lip service to this concept of mitigation. We can't just go ahead and ask you, well, you understand in order to sit on this jury, you have to tell us that you can consider mitigating evidence; and if you find it use it, and if you don't disregard it. It's not enough to just say, well, yeah, I understand the concept of mitigation. And yes, I'll follow the

1 law.

2 Now you're called upon to implement the
3 law, to look at all of the evidence, make those
4 determinations to see whether or not, in your final
5 analysis, each and every one of you, individually, found
6 that the circumstances of this case, the background of
7 that defendant, the circumstances of the other
8 individuals involved in this case lead you to a
9 conclusion that results in the death penalty or life
10 imprisonment.

11 Should I shy away from commenting upon
12 this subculture and how it invaded the other families
13 involved in this case for fear that I might be chastised
14 or that I might offend the fond memory of Mary
15 Carmouche? It may be, Mr. Gibson. Because their loss
16 is very real to their family. There is nothing that
17 will replace them, their family members. But I think
18 that I would be remiss in my duties if I didn't at least
19 bring to your attention, as you have seen through the
20 evidence, that those families have, likewise, struggled
21 with this. It adds dimension to this case that would
22 otherwise be lacking. You would have to consider that.
23 You would have to evaluate it for whatever you believe
24 it to be worth.

25 The Court's charge tells you that, You are

1 came from Sunset, Louisiana. They'll remind you that
2 others that came from Sunset aren't capital murderers.
3 All right. But we all know that that's kind of a
4 superficial argument.

5 Each and every one of us know that we are
6 the product of our environment, and not everybody turns
7 out the same way. Not any of the twelve of you turned
8 out the same way as others that maybe grew up in your
9 neighborhood or within your own families. Everybody is
10 unique. These questions ask you to very uniquely look
11 at the defendant that you have found guilty of capital
12 murder before you make these decisions. And I ask you
13 to do that, because that's what the law dictates that
14 you do.

15 How is it that on the one hand you say,
16 Charles, you have to be responsible for what you did?
17 You made the choices to do what you did, and now you
18 can't hide under this drug subculture to escape. And
19 yet throughout the entirety of this case, both during
20 the guilt/innocence stage and then with regard to what
21 Mr. Melancon testified about, we have a free pass given
22 to everybody by the police, basically letting them know,
23 in order to get information, Don't worry; you're not in
24 trouble.

25 How is it that those other circumstances,

12 instructed both as to Special Issue Number One and
1 Special Issue Number Two that you are not to be swayed
2 by your sentiment, conjecture, sympathy, passion,
3 prejudice, public opinion, or public feeling in
4 considering all of this evidence. And, you know, if I
5 wanted to make the argument for the State, I'd probably
6 talk very calmly to you, get your attention, make sure
7 you're listening to me as I talk in a soft voice, make
8 sure I have your attention, and then I would probably
9 compare the life of Mary Carmouche to the life of
10 Charles Mamou.

11 And that would be wrong, because in the
12 Court's charge, does he tell you to compare the relative
13 worth of those two lives? What it asks you and what it
14 tells you to do is evaluate the evidence in answering
15 these two questions, which we spent great lengths
16 talking with you about during the voir dire selection.
17 So, please, consider what the law asks you to do, what
18 it directs you to do as you evaluate these questions.

19 Now the State can't have it both ways.
20 They can't on the one hand, as you are considering the
21 totality of the evidence in this case and where it leads
22 you -- they can't on the one hand criticize Mr. Mamou
23 for having made choices. They will remind you that he
24 had a family that cared for him, that loved him. He
25

14 Terrence Gibson, in his circumstances, what caused his
1 death? How did it occur? Kevin Walter, Dion Holley,
2 even to this day, or as far back as when the funeral of
3 Mary Carmouche occurred, are still lying to the family.
4 How is it that there can't be any responsibility on
5 their part? That's all part of the circumstances of the
6 offense that you look at in evaluating and weighing
7 things.

8 Number one, Miss Connors will talk to you
9 about, ask you about the probability of future danger.
10 What is it that the State has brought you? They
11 brought you evidence that he was charged one time with
12 carrying a weapon when he was speeding. No effort to
13 escape, no violence attached to that, an empty gun,
14 ultimately a question of whether or not the case was
15 dismissed down to just a speeding ticket or carrying a
16 weapon. In either event, that one event, coupled with
17 the fact that you know that he was placed on probation
18 for drugs and that, ultimately, it was revoked, you
19 obviously come to Texas, which is not allowed. And the
20 claim was that he had a gun during the commission of the
21 principle charge that you found him guilty of.

22 But then we have a situation about this
23 extraneous case, this alleged murder over the Labor Day
24 weekend. Oh, and let me remind you of the stipulation
25

15 that we engaged in with the State. There is evidence --
 16 and it's in the record for you -- that while awaiting
 17 trial both in Lafayette, Louisiana, as well as Houston,
 18 Texas, no disciplinary actions, no misconduct. And, of
 19 course, the State's going to say, well, what do you
 20 expect if the guy's going to be on trial for capital
 21 murder and it's in his best interest? He has the
 22 motive to go ahead and behave.

23 But you heard testimony that that is one
 24 of the factors that could be a good prognosticator of
 25 whether or not that person is going to be able to abide
 by the rules and regulations of a prison society. And
 again, how is it that when we were talking to you on
 voir dire, the State spent time making sure to qualify
 you that you understand that society is more than just
 free society? It could include the prison society. You
 would agree that the guards and the other inmates, they
 all need to be saved.

26 And now you have information both from
 27 individuals on the Parole Board, as well as Dr. Quijano,
 28 that just explains -- it doesn't say that Mr. Mamou is
 29 going to be one way or the other, but it explains to you
 30 so that you're not misguided as to what the law is and
 31 what the facilities offer. It's there for your benefit,
 32 to have a full understanding. You ultimately will make

33 whatever decision you make. But yet again, that's some
 34 evidence that you can consider in determining whether or
 35 not he is likely to be a threat in the future.

36 Now with regard to this offense that
 37 they've alleged from September 5th of 1998, again, think
 38 about this, weigh this: This event where Mr. Williams
 39 was killed occurred on September 5th of 1998.

40 Mr. Melancon, who says he is a longtime acquaintance of
 41 the defendant and his brother, twelve to thirteen years,
 42 gives all of this information to the police, both that
 43 evening and within two weeks when he talks to the
 44 homicide detective assigned to the case.

45 Now I think it's interesting and
 46 questionable how Mr. Melancon can claim to know him so
 47 well, and yet never been in his house, doesn't have some
 48 of the details that somebody would necessarily have if
 49 they really knew this individual, coupled with the fact
 50 that coincidentally, he says, his testimony alone,
 51 nobody else's. We don't have a homicide detective.
 52 Either Detective Novak or Herman was the one that was
 53 actually responsible for the investigation. We don't
 54 hear from Lonnie. We don't hear from Wiener Man. We
 55 don't hear from anybody.

56 The State basically hunts up this one
 57 person to set a scene for you and say, Hey, you know

58 what? I saw this guy, Bruiser, with Charles Mamou.
 59 They drove off. We heard a gunshot. Somebody came
 60 over. We drove over there. There is Bruiser.
 61 According to Melancon's testimony, what does he do?
 62 His friend is lying there. Does he call 911 for help?
 63 Does he call the police? No. He calls his wife so he
 64 can get out of there. I think that's the kind of
 65 courteous -- especially in light of the fact he wants
 66 you to believe that the reason he has to leave and he
 67 has to go up to Dallas is because he's afraid of Charles
 68 Mamou.

69 On cross-examination he says, Well, I was
 70 planning on moving to Dallas anyway; because I was
 71 trying to find work up there. And this fear that
 72 penetrated him, that just shook him to the bone, he
 73 ended up staying with his five-month-old child and his
 74 wife that night at their apartment, and yet, wants you
 75 to have this aura of fear. Yet, he stays there.

76 Now -- and what's interesting is the first
 77 time this becomes important, the first time there is any
 78 reference to Mr. Melancon now being interviewed by
 79 somebody, who is it? Detective Novak, October 4th,
 80 1999, a couple of weeks ago, about the same time that I
 81 have to find out, in talking to Miss Johnson, whether or
 82 not there is information she has; because obviously,

83 prior to that point in time, prior to a couple of weeks
 84 ago, that was not an issue apparently.

85 But now the jury's going to be called upon
 86 to answer these two questions. Can we get some evidence
 87 to help us? Detective Novak dispatched to Dallas,
 88 talks to Melancon. Don't worry, you're not in trouble.
 89 And yet, what -- where do these pieces fit? Why is it
 90 that this guy, Melancon, is not going to call the police
 91 or 911, wants to get the heck out of there as quickly as
 92 he can, calls his wife, leaves and goes to Dallas, and
 93 is never heard of again? And yet, we know -- and there
 94 is evidence in the record for you. There is
 95 photographs. The testimony of Shannon Johnson, which is
 96 unrefuted that she was with the defendant, along with
 97 Blondel Richardson that day. They got together. They
 98 ended up going to Louisiana, because his uncle was
 99 getting married. Spent time together in a hotel.

100 All of this evidence is for you to
 101 consider. And again, you know the State's going to
 102 argue. The State's going to get up here and they're
 103 going to say, You know what? All of that is well and
 104 good except for one thing. Where is that bag of paper?

105 Well, ladies and gentlemen of the jury,
 106 let me tell you something. How many times have you seen
 107 on TV situations where people are doing things like

19 this? They have a briefcase, and there is paper in
2 there and there is other money on top? This is not
3 such a signature situation, so unique that it overcomes
4 all of the evidence that suggests to you and shows to
5 you that Mr. Mamou was not responsible for the death of
6 Mr. Williams back on September 5th of 1998.

7 So as you sit and listen to this evidence,
8 consider the one-hour homicide investigation, the ten to
9 fifteen people that were there, the identity of people
10 that we already know about, Wiener Man and Lonnie.
11 There is no identification of the defendant. There is
12 no fingerprints. There is no physical evidence, nothing
13 except the words of Mr. Melancon, who you have to
14 seriously question.

15 Ladies and gentlemen, I'm going to sit
16 down so Mr. Wentz can conclude our remarks to you. I
17 will tell you that it is always painful having to stand
18 before a jury of twelve individuals, looking at twelve
19 sets of eyes that I've already spoken to, always fearful
20 that at this point you've already made a decision
21 contrary to our suggestions to you. We asked you during
22 voir dire selection, would you be able to go ahead and
23 consider things afresh and anew when you got to this
24 point, if you did? You all indicated that you would. I
25 ask that you stand true with that verdict; and whatever

1 in this case. Charles did testify, and that is not the
2 result.

3 But I think we know that belief is
4 somewhat simplistic and somewhat naive, because people
5 can come to court and not be believed. But if you were
6 to testify before people and to tell what you believed
7 to be the truth and you were not found to be believed
8 and you were found to be guilty, wouldn't you be at
9 least somewhat frustrated by that experience,
10 particularly if it was a capital murder case? And I
11 submit that's some of the feelings you saw from Charles.

12 I'd ask you, also, to remember when you
13 heard Charles that day. Remember when that reaction
14 came, when the State was attempting to prove up a murder
15 case to, I'm assuming, try to prove that he's a future
16 danger. A future danger. There's a word which you've
17 heard throughout voir dire and you continue to hear.
18 Charles has never been charged with that case, even
19 today. And that case, while investigating the crime,
20 laid dormant until the State had to get together some
21 evidence to prove this future dangerousness. It's only
22 then that it became somewhat important to them.

23 I submit, as well, you should be somewhat
24 suspicious of this case. In fact, more than somewhat
25 suspicious. And to whom were his comments directed?

20 each of your verdicts is, that you remain true to that
2 throughout. Thank you.

3 THE COURT: Mr. Wentz.

4 ARGUMENT OF THE DEFENSE

5 BY MR. WENTZ:

6 Judge Wilkinson, Mr. McClellan, Miss
7 Connors, ladies and gentlemen: It's humbling standing
8 before you now. There is so much I want to say, and my
9 fear is my words will fail me. But if I have these
10 fears, I look at you and I know that you're the ones,
11 really, who have this ultimate task ahead of you. You
12 ultimately decide whether this young man will live or
13 die. You may never have a more important decision in
14 your life. Each case that comes to court has within it
15 its own drama. It usually comes from the facts of the
16 case, and that is certainly true with this case.

17 But I think, also, that there was an
18 unfortunate moment in this case where this case took on
19 another sort of drama, when Charles misbehaved in front
20 of you just the other day. And I would have to say we
21 are sorry, and we do apologize. There is this
22 preconceived notion that you come to court, and you tell
23 the truth as you believe the truth and that you would be
24 believed and you will be set free. But that is, I
25 would submit, how it happened then, not how it happened

22 Joey Melancon, a so-called friend who was trying to put
2 another case on him, a so-called friend who was involved
3 in that case. Joey Melancon was involved in that
4 murder, but he wasn't charged. And isn't this getting
5 to be a familiar song, involved but not charged? Just
6 like Bug, just like Dodson, just like Shawn England,
7 just like Mr. Scott.

8 And those words that he said. You now
9 know there was something more beyond that; because you
10 now know about Shannon Johnson, because he was with her.
11 And you know that when they turned up in Sunset, a
12 cousin, Mr. Green, verified that that's where he was.
13 These people have nothing to gain from any of this,
14 unlike Mr. Melancon. This is not a perfect system.
15 People like Bug Johnson come in here and give the
16 testimony they want and influence a decision.

17 But today your decision must be perfect in
18 answering these Special Issues to prove his future
19 dangerousness. What does that give you? A possession
20 of a controlled substance. That's not an act of
21 violence. A carrying a weapon case that involved no
22 violence, that was ultimately dismissed. You know,
23 there has been no proof of acts of misconduct in the
24 Louisiana prison, in the Louisiana Jail, or in the
25 Harris County Jail. You've been given no juvenile

23

1 history of misbehaving.

2

2 Yes, you have been given three deaths that
3 are all wrong and all tragic and that should never have
4 happened. There is an Anthony Williams case that
5 Mr. Hill has already talked to you about. You know
6 that case is flawed. That paper is not a calling card.
7 There are no fingerprints on it in that case. It
8 appears that that's something you might find at any drug
9 scene. There is the case of Terrence Gibson. The State
10 dismissed that case when we got to trial, because it was
11 so fraught with acts of self-defense that it --

12

12 MR. MCCLELLAN: I object. It's totally
13 outside the record.

14

14 THE COURT: Please, sir, stay in the
15 record.

16

16 MR. MCCLELLAN: I ask you instruct the
17 jury to disregard the comments --

18

18 THE COURT: Disregard the last comments of
19 the defense attorney, ladies and gentlemen of the jury.

20

20 MR. WENTZ: And then there are the facts
21 of Mary Carmouche's case. And you can consider those
22 facts in addressing both Special Issues, because the
23 circumstances of the case are something that you can use
24 in answering Special Issue Number Two and saying that
25 Charles does deserve life.

23

1 going to get, and sixty-five and seventy-year-old men
2 don't go out and live that kind of life. And any chance
3 he had for choosing a different life was forever gone.

4

4 Charles didn't have a bad life growing up,
5 I don't think. It might not have been perfect, but it
6 wasn't that bad. You judge it, as Mr. Mamou's father
7 asked you to do, in your own way. But think how much
8 easier it is for somebody who's growing up poor in a
9 small town in Louisiana where drugs are the major
10 industry, or would be the major industry, to be seduced
11 into this life of quick money, easy money, to succumb to
12 a fast lifestyle that he didn't have. And for some
13 reason as he grew up, he came to look up to his father.
14 At some point his father, who's absent, who comes into
15 town when he wants to, a big car, wearing the flashy
16 clothes the gold chains, having affairs with women,
17 having children out of wedlock, as Charles grew older he
18 began to resent that man. And yet, at the very same
19 time, he had begun to resemble that man, and in many
20 instances, become that man, the man who he resented.

21

21 As you know from what his uncle told you,
22 he became flashy. He began to have these relationships,
23 multiple partners, children out of wedlock. But, you
24 know, Sunset isn't where you lived, and there was no
25 stigma attached to any of this where he lived, four

24

1 In his punishment argument, Mr. McClellan
2 referred to Bug Johnson and Howard Scott and Terrence
3 Dodson as my guys. And he rightly told you in his
4 punishment argument that you should not consider what
5 they did, or how their cases were handled, or how their
6 cases were processed. And he was right, but this is
7 punishment. And now you can consider that, and you
8 should consider that. His guys have never been charged
9 and have never been held responsible for anything, but
10 they are involved right up to their necks. You are
11 asked to place society's ultimate sanction on this man.
12 And yet, his guys have never come clean. They've never
13 been charged, and they continue to lie.

14

14 Dion Holley says to Mrs. Gibson -- he
15 tells her the good samaritan story. Could anything be
16 more insulting? And when Charles had his outburst the
17 other day, it was revealing and significant when it
18 came; because at that time he had been held responsible
19 by you. And I will not argue with that decision. You
20 had found him guilty, and he knew his life as he knew it
21 was over at that point. So, life in the fast lane, the
22 cars, the drug deals, the money, the flash, whatever you
23 want to call it, all that went along with his
24 misguidance, as direct as it may be, that was all over
25 for him. A life imprisonment was as good as it is ever

26

1 hours away, in the third largest city in America.
2 Terrence Gibson, Mary Carmouche, were also seduced by
3 the glitter of this fast life, the flash of this fast
4 life, the allure of easy money. They come from totally
5 different families, but they were sucked into the same
6 life. Mrs. Gibson warned her son. Mr. Carmouche didn't
7 like the tattoos. He knew what the fancy Lexus meant.
8 He warned his daughter.

9

9 I said earlier Mr. Carmouche has had every
10 father's worst nightmare. I'm going to expand upon
11 that.

12

12 THE COURT: Mr. Wentz, I'm giving you a
13 five-minute warning you previously requested.

14

14 MR. WENTZ: Thank you, Your Honor.

15

15 What happened to those three young
16 people -- because I'm going to include Charles in
17 this -- was they were seduced by a glamorous lifestyle
18 that was dangerous in its way. And it is every parent's
19 nightmare. They try their best. They do their best but
20 the children don't respond. They go off. Killing
21 Charles is not going to prevent that from ever happening
22 again in the future, and you know it. Remember that
23 when you go back there. Just because Terrence and Mary
24 have passed doesn't mean that Charles must pass.

25

25 Mrs. Gibson asked, is there a positive

27

1 lesson that came from this? Can people learn that this
2 need not happen again? You do not need to answer these
3 Special Issues yes and no for that positive issue to
4 come about. You can punish him for life in prison,
5 because that is a punishment for him. Because his
6 parents will know where he is, their children will know
7 where he is, and their children's children will know
8 where he is. As to future dangerousness, you know that
9 our prisons work. You've seen a video. Watch the video
10 again. Jail is a good predictor of how people will act
11 in prison, and he would be good in jail.

12 I do not know what Miss Connors will
13 argue. I'm sure that it will be emotional. But this
14 case is not to be decided on emotion. And I submit it
15 would be disingenuous, if not dishonest to say, well,
16 our prisons are not perfect. There will remain some
17 violence there, so answer Special Issue Number One yes.
18 That is wrong. That is utterly wrong. Charles will be
19 under closer scrutiny than ever before in his life and
20 around more guards than ever before in his life.

21 You saw but a brief taste of what prison
22 life might be like. And it is punishment. You can be
23 tough on crime without answering these Special Issues so
24 Charles dies. You can give a lesson and send a message
25 without answering these Special Issues so Charles dies.

28

1 In answering these Special Issues, it's not a matter of
2 who you like the most. It's not a matter of whose life
3 is the most valuable to you. That is utterly wrong.
4 That is why we have these Special Issues. That is not
5 your decision.

6 You have every reason to hesitate to act
7 upon the State's proof, knowing that when he was found
8 guilty, he would at least be spending the next forty
9 years of his life before he even became eligible for
10 parole in an atmosphere where he would be far less
11 violent, not around drugs, not around his so-called
12 friends, not around the people from Sunset, growing
13 older all the time. There are circumstances of this
14 case that warrants Special Issue Number Two to be
15 answered yes.

16 Think of all the people that you do not
17 see here, who have been involved in this case and have
18 had their free pass. And, in fact, we don't know who
19 they are or what they are doing now. It's obvious they
20 didn't learn any lesson from all of this, because they
21 weren't held responsible, because they can still come up
22 with this good samaritan story to Mrs. Gibson. That is
23 not so here, because Charles has been held responsible.
24 He has learned. And you've begun to see the first
25 evidence of that painful lesson. I would simply say the

29

1 evidence supports answering Special Issue Number One no,
2 he would not be a future danger to society, or answer
3 Special Issue Number Two yes, because there are
4 circumstances of this case that warrant Charles
5 receiving a life sentence. Let's stop this killing.

6 THE COURT: Miss Connors.

7 ARGUMENT OF THE STATE

8 BY MS. CONNORS:

9 That's why we're here. Those are the
10 victims. They try to paint a picture and tell you that
11 this man is the victim. We're here because of what this
12 man did to each and every one of these people; Mary
13 Carmouche, Terrence Gibson, Anthony Williams. And but
14 for the grace of God, those two chairs would be over
15 here and he would have murdered five people. Five
16 people. There would have been five people sitting in
17 these chairs, one, two, three, four, five living and
18 breathing human beings; and he would have murdered them
19 all because that was his plan.

20 What do we know about Mary Carmouche?

21 She was seventeen years old, and they tried to cast dirt
22 on her. They tried to basically -- they said it on
23 guilt, and they just said it on punishment. Well, it
24 was her fault. She was a kid. Her dad told her not to
25 hang around with Dion Holley, and she didn't listen.

30

1 How many teenagers -- how many parents have told their
2 kids not to hang around with certain people? And if
3 every time a parent did that and the kid didn't listen
4 the child died, we would be having teenagers dying all
5 over Harris County. She didn't deserve to die. She
6 did nothing wrong. She was not involved in their drug
7 dealing. And even if she were, he has no right to kill
8 people. He has no right to take their life.

9 And I know one thing in my heart, and
10 every one of you knows this; because you've been
11 thinking about this case for these two weeks. You have
12 been laying in bed, and when you were trying to go to
13 sleep and your eyes were closed, I know you thought
14 about this case.

15 MR. HILL: Judge, I'm going to object to
16 the improper argument, trying to personalize it to the
17 jury.

18 THE COURT: Overruled.

19 MS. CONNORS: You tried to block it out,
20 and you couldn't. And I want you to think about it
21 until you come back with your verdict. Every single
22 thing about this case, and I know in my heart that every
23 one of you know, the answer to that question is yes to
24 the first issue. You know, I know, he will commit
25 criminal acts of violence in the future. You know he

1 will be a continuing threat. And we only have to prove
2 he probably will. But each and every one of you know he
3 would. The only question is when, and who will be the
4 next victim? Terrence Gibson, Anthony Williams. They
5 were brothers. They were sons. They were dads. And
6 they had a right to live, just like Mary Carmouche did.

7 And what do you know about this defendant?
8 He's vicious. He's ruthless. He's cold-blooded. He's
9 manipulative. He's a liar, and he's controlling. And
10 when he testified last Friday, he tried to manipulate
11 you. He sat up there very calmly and very smooth; and
12 he looked at you and tried to sell you a story, tried to
13 sell his story. The defense attorney says, And he
14 thought the truth would set him free. He doesn't know
15 the truth.

16 How many versions did he tell of that
17 story? He told you he shot Terrence Gibson as he's
18 running away. And you know the stippling, the physical
19 evidence shows that's a lie. He says, Kevin Walters was
20 out of the car after me, and I shot him. I never shot
21 him when he was in the car. And you know that's a lie.
22 He said he never shot Dion Holley, and you know that's a
23 lie. And what's he tell Sergeant Bloyd later, after he
24 was arrested? A third car came by and shot these
25 people. And what's he tell his mother? These people

1 were shooting at me, and I shot back. And what's he
2 tell his dad? I shot them, all three. But he tried to
3 manipulate you and he tried to lie.

4 And you saw how controlling he was up
5 there. He wanted to be in charge. You caught a glimpse
6 of that when his dad testified. He didn't want to
7 answer my questions. He wanted to tell you what he
8 wanted to tell you. He wanted to say it his way. And
9 the defendant, when he got out here when Mr. McClellan
10 was asking him questions, he wanted to control. Well,
11 let me show you how to do it, and let me tell you this,
12 and let me tell you that. And that's what he's done
13 through his life.

14 His mom said, I know him. And they
15 painted a picture for you, and they told you about him.
16 And the defendant, when he testified, he said, looks can
17 be deceiving. Don't judge a book by its cover. He told
18 you those things, and now you know all sides of this
19 man. You've seen the real Charles Mamou. You've seen
20 what he's capable of doing. And he wanted to control.
21 He wanted to control the evidence the State brought, but
22 he couldn't do that. And he wanted to control your
23 verdict, and he couldn't do that. And he was very
24 polite, and yes, and no, and yes, ma'am, and turn to
25 y'all so polite. And after the verdict came, the State

1 began the punishment part of the trial and we brought
2 Joey Melancon to testify about the other murder on
3 September 5th, you saw Charles Mamou at his finest. He
4 just didn't have a gun. You saw him, and you saw his
5 face, and you heard his angry words. You saw that face
6 and how much anger. And you heard him scream, You're a
7 goddamn liar, as he pounded the table. You heard him.
8 That's Charles Mamou. Because he knew now that you were
9 going to hear everything, and he couldn't control it
10 like he did back on September 5th.

11 He controlled Anthony Williams, and he's
12 dead. He controlled Terrence Gibson, and he's dead.
13 And he tried to murder all four of those people out
14 there, but that was beyond his control. But for the
15 grace of God, Kevin Walter's medical records would be an
16 autopsy report with photos. He almost died. He
17 severely injured him, and he tried to kill Dion Holley.
18 That was his plan. It was all premeditated. And when
19 he cut out every bit of this newspaper, he knew exactly
20 what he was going to do.

21 And you remember when he was on probation
22 for drugs, distributing drugs? It was easy. He said
23 when you get involved in the drug world, it's a hard
24 world. When you get caught up in that drug world, you
25 lead a life of your own. Every man for himself. And

1 that's exactly what he did. He destroyed people's
2 lives in a different way. That was the beginning, by
3 selling those drugs, because it was easy. It sure beats
4 working.

5 And then when he's on probation for
6 selling those drugs, he gets stopped on traffic, just a
7 small glimpse of Charles Mamou. Get out of the car and
8 hang up the phone. He keeps talking. Cop has to come
9 over. He yells again, Get off the phone. And he gets
10 out of the car with the phone. He's going to do what he
11 wants to do. And you've seen it throughout. What he
12 wants and plans, he gets it and he murders for it. And
13 that's what he's done. And he's selling drugs. And he
14 figures out, you have got a product, you need money to
15 buy the product. I don't want to do that, because then
16 I'll lose those nice things.

17 You know, he showed emotions twice on that
18 witness stand. Nothing about Mary Carmouche, nothing
19 about murdering these people and almost killing the
20 others. When Mr. McClellan said, When you were in the
21 drug business, you had cars and fancy things, nice
22 things, he goes -- and he looked very upset, and his
23 voice changed. He was upset now that he had lost his
24 nice things. That's why he was upset. All about
25 Charles Mamou.

35

1 And then what happened on September 5th?
 2 Well, if I could spend all that money on myself, I don't
 3 need money. I'll just cut up the paper and pretend like
 4 it's money. And he murders Anthony Williams.
 5 And Joey Melancon told you he's known him for a long
 6 time. And he called him up to get together, and they
 7 were supposed to go out to a club. And the defendant
 8 says, I've got to do some business. And Anthony
 9 Williams gets in the car. And a little bit later, a few
 10 minutes later, he hears a gunshot. And somebody comes
 11 running up, and he goes -- and Bruiser -- says Bruiser
 12 talks to him and says, My boy did it.

13

14 And the next day the defendant calls.
 15 Joey doesn't hang around. Sam Johnson doesn't hang
 16 around, either. Would you have hung around if you knew
 17 what that man was capable of? Joey Melancon knew, just
 18 like Sam Johnson knew. And he took off. And when the
 19 police found him, he talked to the police and told them
 20 what happened. And he knew what this man was capable of
 21 to the point where he moved out of the city.

21

22 And when he called him up the next day,
 23 What's up? What do you mean, what's up? What's up?
 24 Defendant responded, What did you do to your boy? Just
 25 a bunch of bullshit. It doesn't mean anything to him.
 Life has no meaning. And then what does he do at

1

won't cooperate there. And he tricks him and he turns
 down Lantern Point, because he knows it's a dark street.
 And you know, you all feel so safe and secure as you sit
 here, okay. And you saw a glimpse of Charles Mamou.
 But you've got officers right over there to protect you,
 and they've got guns. But let's get in that car right
 now, and let's go down Lantern Point so you can see the
 real Charles Mamou.

9

You go down that dark street, and the car
 is stopped. And they turn around, and Terrence Gibson
 gets out and goes to the back of the car. And Dion
 Holley gets out and the defendant gets out. And just
 like that, boom, he shoots Terrence Gibson. He's only
 eighteen inches away. And Dion Holley starts running,
 boom, and he shoots him and goes up to Kevin and pulls
 the door, boom. And Kevin tries to push open the door.
 Don't hurt the girl. Don't hurt the girl. Boom. And
 he runs. Boom. He hits him in the back. He shoots him
 over and over and over.

20

And Mary Carmouche is in the car. And
 when Kevin got shot the first time, he shoots the glass
 out and she's cut on the arm. Can you imagine what's
 going through her head? She's seventeen years old; and
 she's just heard, boom, boom, boom, boom. Am I going to
 live? Am I going to die? I'm only seventeen. And he

36

1 Lantern Point, on December 5th, December 6th. He's
 2 talking about December 6th, his birthday, Charles Mamou.
 3 And he's concerned about a drug deal. And his baby was
 4 born either that day or the next day. One of the many
 5 children he has. And he's out worried about a drug
 6 deal, and he cuts up that newspaper. And every minute
 7 he's cutting, he knows he's going to have to murder
 8 whoever is involved in this case; because he knows he
 9 has no money, and he wants these drugs.

10

And in the beginning it starts out with
 Kevin Walters and Dion Holley, and then the group
 expands. And he knows every piece of paper that he cuts
 up, he knows he's going to commit murder. And it
 doesn't bother him. It's no different than when you're
 bit by a mosquito and never think of it again. That's
 what life means to him. And he plans, and it wasn't
 good enough. He didn't like those locations, because
 his comfort zone -- that was not his comfort zone. His
 comfort zone are guns and bloodshed and murder. And he
 needed to make sure he could pull that off. So he goes
 to Bennigan's. They leave. He goes to Fiesta. Kevin
 Walters won't cooperate. His cars aren't close enough,
 because he needs to kill everybody to get in the Lexus
 to try to get the dope.

25

Then he moves to the building. Kevin

38

1 jumps in the car. Where am I going? And he drives her
 2 to Lynchester. And that's a good ways from there,
 3 twenty to twenty-five-minute ride. What do you think is
 4 going through her head? He's got to kill her, because
 5 she can testify. He never wanted to be here in court
 6 today. And if he had succeeded in his plan, there would
 7 have been five chairs and he wouldn't be here.

8

And he takes her to Lynchester. He
 marches her to the back, and he makes her commit oral
 sodomy, makes her suck his penis. Imagine that, ladies
 and gentlemen. That's what he did, as she's there. And
 he takes the gun. And imagine the look on her face, the
 terror in her eyes and how afraid she is. She's only
 seventeen, and she doesn't want to die. And he goes,
 boom.

16

Ladies and gentlemen of the jury, he wrote
 the answer to that first question by everything he's
 done. He wrote it in the blood of Mary and Terrence
 and Anthony and Kevin and Dion. He wrote the answer to
 that question, and he told you in his own words as he
 sat up there. Mr. McClellan said, The person that
 killed Mary Carmouche, do they deserve the ultimate
 penalty? And he said, Yes. He told you by his actions
 on September 5th, on December 6th, his outburst in the
 court; because that tells a lot about Charles Mamou. He

1 told you by his actions and his words the answer to that
2 question is yes. It's only a question of when the next
3 victim will be. Whether he's here whether he's in
4 prison, he's got to be in control. He couldn't even
5 fake it long enough for you in court. You got to see
6 what Charles Mamou was all about.

7 Mary Carmouche didn't want to die. She
8 had hopes and dreams. She was just seventeen years old.
9 And remember what he did as she stood there? He took
10 that gun and blew her away. She didn't even know. She
11 had done absolutely nothing to him. And when that
12 bullet ripped through her heart, it ripped through her
13 mom's heart and her dad's and every one of her brothers
14 and sisters. And when he pulled the gun and he fired
15 and killed Terrence and Anthony, he ripped those
16 families apart. He devastated and destroyed. And
17 that's all he's ever done, with his drugs, with his
18 guns. And every time he pulled that trigger, he
19 answered that first issue yes, yes, yes, yes, yes.
20 Seven times he answered it yes.

21 THE COURT: Mr. McClellan, you have ten
22 minutes remaining.

23 ARGUMENT OF THE STATE

24 BY MR. MCCLELLAN:

25 May it please the Court? Counsel for the

1 not enough evidence there. Well, let me suggest to you
2 that now you know information, and now the police know
3 information that they didn't know back on September the
4 5th, 1998. See, September the 5th event occurred before
5 the December killings. And now we know since we've had
6 a trial that the defendant is an admitted dope dealer.
7 Okay.

8 So we have September the 5th, a dope
9 transaction go bad. We didn't know that September the
10 5th. Didn't know that until the defendant admitted
11 being a dope dealer. So we have a dope dealer who goes
12 with Melancon; and they're going to go clubbing, but
13 he's got to go do some business. Well, if it was his
14 legitimate business or if he wasn't planning on killing
15 somebody, why didn't Melancon go with him? Why does
16 Melancon have to get out and wait while he takes someone
17 to do some business? Because I'm going to take someone
18 and I'm going to kill them, and you're just going to be
19 in the way, so wait here.

20 And now we know -- or they didn't know
21 back then about this paper. Well, it's the same type
22 situation that we have from Mannings Repair Shop. And I
23 suggest to you the only reason we don't have any
24 fingerprints is because remember that the fingerprints
25 were on the slick advertisement type sections. When you

1 defense, ladies and gentlemen of the jury: As Miss
2 Connors had indicated to you, based on the facts of the
3 case itself, we could have brought you nothing in
4 punishment. Based on what you heard at guilt/innocence,
5 Issue Number One is yes. A person who could go out --
6 and you know that's what his plan was ahead of time.
7 That's why the deal didn't go down at Fiesta, because he
8 can't get everybody corralled. That's why it didn't go
9 down at the building, because he can't get everybody
10 corralled.

11 But we're on Lantern Point, and the cars
12 are like this. And he goes to the back of the car with
13 Holley and Gibson, and he's got them where he wants
14 them. I can take care of those two. I backtrack a
15 couple of steps. I got Kevin. I get in the car and
16 take off. I've got Mary. Everybody is within my grasp.
17 Premeditation to the max. You're not going to be able
18 to hand this over and somebody say, well, let me count
19 this. Well, I don't think it adds up to what I want.
20 So, you know, you're going to have to take it. And the
21 way to take it when you've got four people is you're
22 going to have to eliminate four people. And that's what
23 he's willing to do.

24 And they made fun of the fact about the
25 - Labor Day killing, about the fact that, well, there is

1 look at the evidence, that's the only piece of paper
2 that came off. And on the Saturday paper there aren't
3 any slick advertisement sections. And if it hadn't been
4 on the Sunday paper, there might not have been any
5 fingerprints, either.

6 But it's exactly what Mr. Wentz said.
7 This is his calling card, his calling cards, what you
8 saw on the video, what you saw on the photographs. Here
9 is the defendant going off around the corner with
10 Anthony Williams, and what is left is a dead body and
11 paper on the floor -- paper on the ground, just like at
12 Lantern Point, a dead body and paper on the ground.

13 I'm an admitted dope dealer, who doesn't
14 go back and pick up Melancon so they can go clubbing.
15 Just kind of disappears for that night and then calls
16 the next morning and says, What's up? And he said, What
17 went on between y'all? And he said, Bullshit. Well,
18 you be the judge of the credibility of the witnesses.
19 Melancon was up here. You be the judge of his
20 credibility. Is that someone that's telling the truth,
21 or is that someone that came up here to lie about a
22 crime that he had nothing to do with?

23 Well, as I recollect, this is a man of
24 great speed; because we've got him all over the place,
25 if you believe the defense witnesses. We've got the

defendant located in Houston, Texas, according to Shannon Williams, if that's her name, along with Blondell Richardson. They're in Houston on Saturday night about the time this happens. Well, no. Dad said they're here in Sunset, Louisiana, at a fune -- at a wedding on Saturday. It can't be both. Before the wedding was on Sunday. Now it's on Saturday. So dad's got him in Sunset, Louisiana, on Saturday at a wedding. Shannon Williams has him in Houston, Texas, at Blondell Richardson's apartment on Saturday. David Green, or whatever his name was, the nephew, has him at 3:30 in the morning, or about the time his mother gets up, for 3:30 in the morning, in Sunset, Louisiana. But Joseph Melancon has him at that Mannings Repair Shop. This has him at Mannings Repair Shop, and Anthony Williams has him at Mannings Repair Shop. And that's where he was.

We have everybody who's testified in this case on the defense side, with, I guess, the exception of Shannon Williams, has been some type of relative of the defendant's. Well, Joseph Melancon is so concerned -- and I suggest to you rightfully so -- that after his short conversation the next morning with the defendant, that he doesn't ever stay in that apartment ever again.

Mr. Hill says if he was so scared, why did

misdeeds than that defendant right there. You look at his personal moral culpability, responsibility for the commission of the act. There is one shooter involved in everything, and it's that man right there. He wasn't a getaway driver. He wasn't anything else.

And they would have you believe that the mitigation is, well, they said to Melancon they weren't going to charge him with anything. Well, good thing, because Melancon didn't do anything wrong. Well, they said they weren't going to charge Kevin Walter and Dion Holley with anything. He didn't kill them. They didn't kill anybody. Sure, they had in their mind doing some wrong things; but what they thought about, he did.

And it says here mitigating evidence is what reduces his moral blameworthiness. The fact that these other people did wrong things reduces his moral blameworthiness. Nothing ever reduces his moral blameworthiness. He's the reason we're here. He's the only reason we're here. You know, drugs are a problem. And even if you're out dealing drugs for money, that's a problem. Shouldn't happen. And if you're out dealing drugs with this paper, that's even more of a problem.

But what if he would -- some people use this as currency. Some people use paper as currency. I suggest this is the currency of the defendant. That's

he stay there Saturday night? Because on Saturday night he hadn't talked to the defendant until Sunday morning. But once having had that conversation and hearing his tone of voice, he exited himself from the apartment, from the city, from his and his wife's jobs, and was gone. Didn't go back to Sunset, Louisiana, until it was safe. And it was safe when he was in custody. That's the real key. The only time he's ever safe is when that man is in custody. Yes, this is a case about a drug culture. There is not any doubt about that, and it has a lot to do with the situation.

But it talks about on Issue Number Two, mitigating circumstances. And the charge says: In answering Special Issue Number Two, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness. And it talks in here on Issue Number Two about, Look then at all the evidence in determining his personal moral culpability for the commission of the crime.

We talked about that being his personal moral responsibility for the commission of the crime. It talks in the charge about mitigating evidence, reducing his moral blameworthiness. There is no one on this earth who is more morally blameworthy for all his

what he pays for the drugs with. He spends other people's lives like other people spend money. That's his currency, death and destruction. There is nothing mitigating in this case. You could search till the cows come home. You could have everything read back. You could examine every piece of evidence. You'll never find anything mitigating in this situation.

And I'll be happy to tell you about why we didn't proceed on the second paragraph after this trial is over. It has nothing to do with this.

MR. HILL: Judge, I'm going to object. That's an improper comment.

THE COURT: I'm going to sustain the objection.

MR. HILL: We ask the jury be instructed to disregard.

THE COURT: Disregard the last comment by the prosecutor, ladies and gentlemen.

MR. HILL: We move for a mistrial.

THE COURT: Denied.

MR. MCCLELLAN: I'll be happy to explain to you Mr. Hill's question about why it was dismissed.

MR. HILL: Judge, I didn't make a statement regarding a statement being dismissed.

MR. MCCLELLAN: Maybe it wasn't Mr. Hill.

47

THE COURT: Would you please wrap it up?

MR. MCCLELLAN: Yes, Your Honor.

The evidence is clear. If you follow

where the law and the evidence goes, you will find that the answer to Issue Number One is yes, he's a continuing threat to commit acts of violence to a probability, and Issue Number Two is no, there is no mitigating circumstances. There is nothing that reduces his moral blameworthiness, nothing that should cause you to ever want to reduce the death sentence that he's earned to a life sentence.

This is a difficult decision that you're going to have to make. I have no doubt about that. It's not your fault. It's not your fault that you're here. We're here because of him. He's placed you in that situation. He's forced you to have to make this decision. You told us that you can do that, based on the law and the evidence. That's the only thing we ask you to base it on, is what the law and the evidence shows, and answering those questions the way the law and the evidence leads you, and we'll all have the proper result. Thank you.

THE COURT: Ladies and gentlemen, you'll now retire to consider your answers to the Special Issues submitted to you. Please go with the bailiff.

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(Jury retires at 12:11 p.m. to deliberate.)

(2:30 p.m., jury sends out note.)

MR. HILL: Judge, it's my understanding --

THE COURT: On the record in Cause Number 800112, State of Texas versus Charles Mamou, Jr. The jury went out to begin deliberations at 12:11 p.m. and in the interim they also have lunch. It's now 2:30 p.m. About fifteen minutes ago they sent out a note which says, Judge, the jury would like to know if a decision can't be made on Issue Number Two, what happens. Signed by the jury foreman.

And I intend to send them back a response, Please refer to the charge and continue deliberating.

Mr. Hill?

MR. HILL: Judge, at this time we would ask the Court declare a life sentence in this case due to the jurors' inability to arrive at a verdict at the punishment stage.

THE COURT: Your request is denied.

MR. HILL: Thank you.

(Whereupon a verdict was reached 3:58

p.m.)

(Jury is brought in and seated.)

THE COURT: Please be seated. Ladies and

gentlemen, have you reached a verdict? Would you pass it to the bailiff, please, sir?

Would you please stand up, Mr. Mamou?

I'm going to return the verdict pages, the entire charge to the jury. Specifically, would you hand this to the jury foreman, and I ask you go back out one more time and take a look at your verdict form, please.

(Jury out.)

(Jury in.)

THE COURT: Ladies and gentlemen, have you reached a verdict?

THE FOREPERSON: Yes, we have.

THE COURT: Would you pass it to the bailiff, please, sir?

Would you please stand up, sir?

In Cause Number 800112, State of Texas versus Charles Mamou, Jr. As to Special Issue Number One: We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to the Special Issue is yes. Signed by the foreman of the jury.

So say you all, ladies and gentlemen?

As to Special Issue Number Two: We, the jury, unanimously find that the answer to the Special Issue is no. Signed by the foreman of the jury.

So say you all, ladies and gentlemen?

50

Please be seated. If you would, please go back into the jury room. We'll be back in just a few minutes.

(Jury out.)

THE COURT: I believe you said there was one person who wishes to make a statement. Anybody have any objection to that happening at this point?

MR. HILL: Not at this point, Judge.

THE COURT: It's my understanding that there is a Mrs. Gibson. And where would you like for her to make a statement from? I don't particularly care.

THE WITNESS: Yes, sir. I gave a lot of serious thought into what I would say if I had -- I was allowed an opportunity to say something. A lot of grief and a lot of lives have been touched today. And a lot of loved ones are left with grief, pain, sorrow, and void. But God will sustain us. I pray that God will extend his mercy, mercy that was not given to our loved ones, that God, our creator, the ultimate Judge, is faithful and just to forgive. And I pray that you reconcile your life back to him. And may God have mercy on you. I leave here today more determined than ever in my church to work with young men to let them know that only Jesus is the answer. And I hope that everyone in this courtroom, if you don't have Christ, to know that

1 you're going to need him. May God have mercy on your
2 soul, young man.

3 THE COURT: Thank you.

4 THE COURT: Mr. Mamou, could you stand up?
5 In Cause Number 800112, the jury having previously
6 returned a verdict of guilty to the offense of capital
7 murder, as alleged in the indictment, and having
8 answered unanimously yes to Special Issue Number One and
9 no unanimously to Special Issue Number Two, the Court is
10 sentencing you to death.

11 Do you have anything to say why sentence
12 of the law should not now be pronounced against you at
13 this time? Having nothing to say, it is the order of
14 this Court that you be delivered by the Sheriff of
15 Harris County, Texas, to the director of the
16 Institutional Division of the Texas Department of
17 Criminal Justice, or any person legally authorized,
18 having authorization over such prisoners, where you
19 shall be kept until the sentence of death shall be
20 carried out.

21 Please step over and see the bailiff.

22 MR. HILL: We have that matter regarding
23 the jurors.

24 THE COURT: All right. We can take that
25 up at this point. Could y'all approach just a moment?

1 coffee shop in the basement of this building?

2 A. I was at the coffee shop first before coming to
3 the courtroom. The proceedings wasn't supposed to start
4 till 9:30 up here, so I was downstairs.

5 Q. Did you have an occasion to view members of the
6 jury outside of the courtroom that morning?

7 A. Yes.

8 Q. Did you have an occasion to overhear any
9 statements being made by those members of the jury?

10 A. Yes, sir.

11 Q. Can you describe the people that you observed
12 talking at that time?

13 A. Yes, it's the girl that's pregnant, is the only
14 one I think that's pregnant, the short dark-haired girl
15 and the shoulder-length blond that has thing on her face
16 right there.

17 Q. Do you think that you could identify those
18 individuals if they were brought out into the courtroom?

19 A. Yes.

20 MR. HILL: Judge, may we have those three
21 individuals step out for just a moment?

22 MR. MCCLELLAN: If we're going to do that,
23 Your Honor, my decision would be we ought to have all
24 twelve jurors. She can tell us which number they are
25 sitting here.

52 (Off-the-record discussion.)

1 THE COURT: It's my understanding you all
2 wish to take up a matter at this time. It was referred
3 to in passing when witness for the defense, Mr. Charles
4 Mamou, Sr., was on the stand. Mr. Hill?

5 MR. HILL: Yes. We would call Mary Mamou
6 to the stand.

7 MR. MCCLELLAN: Your Honor, at this time
8 the State would invoke the Rule.

9 THE COURT: I'm reminding you you're still
10 under oath.

11 ANGELICE MARY JOHNSON MAMOU,
12 having been first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HILL:

15 Q. Ma'am, would you please state your name for the
16 Judge?

17 A. Angelice Mary Johnson Mamou, Johnson because
18 I'm divorced.

19 Q. Ma'am, were you in the courtroom or in the
20 court building on October 12th, 1999, which was Tuesday
21 of this week?

22 A. Yes.

23 Q. At approximately what time did you leave the
24 courtroom or the exterior of the courtroom to go to the
25

54 THE COURT: She's pretty specific. Let's
1 ask these three people we have by name to come out.

2 Would you ask --

3 MR. MCCLELLAN: I would suggest if we're
4 going to say there is something wrong, we're going to
5 ask these jurors questions. We bring out the three
6 people who y'all think y'all know who they are and ask
7 them whatever questions we're going to ask them. Find
8 out from this lady, after we have asked those three
9 questions, if those are the only three she saw.

10 THE COURT: Any objection?

11 MR. HILL: To bringing one out at a time?
12 That's fine.

13 THE COURT: Are you suggesting that he
14 complete what he's going to ask her, and then release
15 her from the room, then have these people?

16 MR. MCCLELLAN: She can stay in the room.
17 I don't care.

18 THE COURT: Release her from the Rule in
19 case you're going to invoke it.

20 MR. MCCLELLAN: I assume she's the only
21 witness we have in relationship to this conversation.

22 THE COURT: She will complete her
23 testimony, have a seat in the courtroom. Then we'll
24 bring out each one of those people in turn.
25

55

1 MR. HILL: That's fine.

2 Q. (BY MR. HILL) Ma'am, could you describe to the
3 Court what occurred when you were out near the elevator
4 bank on the eighth floor of this building?

5 A. It was in the basement. And I just went to
6 look for Mr. Kurt, because he had said to be in the
7 cafeteria for 8:00. It was 9:00 o'clock, so I decided
8 to come up. So when I came up, I pushed the button to
9 come up. And then the one that's expecting, she met me
10 first at the elevator. Then comes the short-haired and
11 the blonde together, two together at the elevator. So
12 then the short-haired says, What do you think about this
13 case? So then the blond says, I'm just going to go with
14 the majority. And then they both agreed, and then the
15 elevator door opened. There is a black lady that was
16 operating the elevator. We stepped on the elevator, and
17 there was nothing. She just said okay and came up here.
18 I followed them up here to the eighth floor, waited. No
19 one was here for me, so I went back downstairs and I
20 waited again. And this will help you to know that all
21 of this actually took place then. Because the second
22 ride I came up with -- I came up with her. She came
23 up --

24 Q. Miss Connors?

25 A. Miss Connors. She came up with some guys in

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1 the elevator. They were talking about a D.A. that's
2 resigning, and she told this guy that he possibly would
3 make a good candidate. He was a black guy. And he
4 said, Well, I've sent seventeen people to death row, you
5 know. And I looked at her to see what her expression
6 was.

7 Q. Was there any other discussion by any of the
8 jurors?

9 A. No.

10 Q. You were just --

11 A. That was just to say that it all happened
12 before court even got started for the closing argument.

13 Q. So are there two or three people that were
14 actually involved in the conversation?

15 A. There was three people involved in that
16 conversation.

17 Q. And the person that made the statement, What
18 are you going to do? Who was that? Which of those
19 three?

20 A. That was the black-headed, the short hair, the
21 short-haired girl.

22 Q. And the one that just said, I'm going to go
23 with the majority?

24 A. That's the blonde.

25 Q. What did the pregnant lady said?

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1 A. She just agreed. She said, Well, yeah. It was
2 nothing more than that.

3 MR. HILL: I'll pass the witness.

4 CROSS-EXAMINATION

5 BY MR. MCCLELLAN:

6 Q. Ma'am, this is not the same relation of the
7 facts that you had made earlier, is it?

8 A. What relation of facts I made earlier?

9 Q. Didn't you tell people before that what you had
10 heard was someone say, What are we going to do? And the
11 other people said -- another person said, We'll do what
12 everybody else does?

13 A. I said that statement representing to myself.

14 Q. Relating to yourself?

15 A. Well, it all depends as to when you heard that
16 part. But this right here what I'm saying about those
17 girls, I have no intention on lying; because that's the
18 way it is.

19 Q. Ma'am, you've already given us all that before.
20 My question is, did you say the statement to the
21 attorneys that what you --

22 A. I --

23 Q. You know the question already?

24 A. I -- what I told Mr. Kurt, I asked him, I
25 said -- I called him on the phone, first off, Mr. Hill,

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1 from off the highway. When I got here, I talked to
2 Mr. Kurt in the cafeteria and I told him that there was
3 three girls discussing the case. I also said that her
4 words were, What are you going to do about the case?
5 And the girls replied that they will go with the
6 majority.

7 Q. Did you not relate to the lawyers -- I don't
8 know which one -- but did you not relate to the lawyers
9 before for the defense that all you heard was someone
10 say, What are we going to do? Not about the case, but
11 the end of that sentence, What are we going to do,
12 question mark?

13 A. No.

14 Q. What are we going to do about the case? You
15 didn't tell the lawyers, initially, "about the case,"
16 did you? This is the first time we're hearing about
17 that, isn't it?

18 A. I don't think so, no.

19 Q. All right.

20 A. I've been telling him about this since Tuesday.
21 I also asked him Tuesday, if I'm not mistaken. We sat
22 outside, and I asked him about the things that I was
23 being -- what I heard in here. I did ask him about
24 that.

25 Q. About things you heard in here?

1 A. Well, from other people, from people.
 2 Q. So, in other words, people who?
 3 A. I listened to things, yes. I listened to the
 4 gossip and I asked about it, yes.
 5 Q. When you're through, let me know.
 6 A. Through about what, sir?
 7 Q. Talking.
 8 A. You don't want me to answer you, sir?
 9 Q. I haven't asked a question yet.
 10 A. Okay, go ahead.
 11 Q. So you violated the Rule in the fact that you
 12 talked with other people while you were under the
 13 Rule --
 14 A. I did not talk to other people.
 15 Q. I didn't finish the question yet. You violated
 16 the Rule in the fact that you talked with other people
 17 about what was being said in the courtroom, and those
 18 other people told you what was being said in the
 19 courtroom. Is that what you're saying?
 20 A. Wrong. She was talking to this lady right
 21 here. And I don't mind pointing at you, ma'am, but
 22 excuse me. But I was sitting in the back of you the
 23 first day when you two were talking. This is your
 24 attorney and stuff, and I heard things. The second day
 25 I came in, and a group of people was also discussing

1 come out and ask them a few questions.
 2 A. Okay.
 3 Q. I'm referring to Tuesday morning of this week.
 4 Tuesday morning was the morning you all came back to
 5 have the charge read at the first stage of trial --
 6 A. That's correct.
 7 Q. -- when you began your deliberations. And
 8 prior to coming up here, you may or may not have been in
 9 the basement cafeteria and have come up with a couple of
 10 other people on the jury. Do you remember that
 11 happening?
 12 A. I did come up with another person on the jury.
 13 I'm not aware if we were in the basement.
 14 Q. Would that have been Miss Cokinos? Do you know
 15 which one Miss Cokinos is?
 16 A. No, first names only.
 17 Q. That would either be Stacie or Jimmie?
 18 A. No, I did not come up.
 19 Q. Can you tell me the first name of the person?
 20 A. It was Stacie, but not Cokinos.
 21 Q. Stacie. I believe the only Stacie we have --
 22 A. There are two.
 23 Q. There are two Stacies?
 24 A. Reesky (phonetically).
 25 Q. There is a Stacie Sibley?

60
 1 this. And so it got to me, and I went -- when he asked
 2 me to go outside for something or another, I asked him
 3 about this, yes, I did ask Mr. Kurt about what I was --
 4 heard over here. And I told him that I did hear those
 5 things.
 6 MR. MCCLELLAN: I have no further
 7 questions.
 8 MR. HILL: No further questions.
 9 THE COURT: You may stand down.
 10 Do you have anything else, Mr. Hill?
 11 MR. HILL: No, Your Honor.
 12 THE COURT: Mr. McClellan?
 13 MR. MCCLELLAN: No.
 14 THE COURT: Let's have Miss Waller.
 15 (Juror brought out.)
 16 THE COURT: Just come right here and have
 17 a seat.
 18 KATHERINE WALLER,
 19 having been first duly sworn, testified as follows:
 20 EXAMINATION
 21 BY THE COURT:
 22 Q. You're Miss Waller?
 23 A. Yes.
 24 Q. I'm not sure that you're the lady we need to
 25 have out here. We're going to have a couple of people

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 1 A. That's her married name, is Reesky.
 2 Q. That's the person you think we're talking
 3 about?
 4 A. No, that's who I came up with from the
 5 basement, or the first floor. I'm not sure.
 6 Q. What is the last name you're saying?
 7 A. I believe her married name is (CH)Reece key.
 8 Q. Can you describe her for me?
 9 A. Long blonde hair.
 10 Q. Long blonde hair. Do you recall coming up with
 11 the -- you know who the other Stacie is? Can you
 12 describe her for me?
 13 A. Short brown hair.
 14 Q. Short hair, short dark hair?
 15 A. Uh-huh.
 16 Q. Let's say we may be talking about Stacie
 17 Cokinos, which is my understanding of her name, the
 18 person with the short black hair. Do you recall whether
 19 or not you came up with her on Tuesday morning on the
 20 elevator?
 21 A. No, sir, I don't believe I did.
 22 Q. Do you recall ever coming up with the lady who
 23 was pregnant, Miss Bonilla? Her first name is either --
 24 A. I know which one is pregnant. No, sir, I don't
 25 recall on that Tuesday. I've ridden up with her before

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1 in the elevator. It wasn't on Tuesday.

2

2 Q. At any times when you may have ridden the
3 elevators from the first floor or from the basement with
4 one or more jurors, was there ever any conversation
5 regarding what you or another juror might do about the
6 case, or what did you think about the case? Do you
7 recall any conversation?

8

8 A. No, sir, we did not talk about the case on the
9 elevators.

10

10 Q. Do you remember anyone at any time saying she
11 was just going to do what everyone else did, or she was
12 just going to go along with the majority?

13

13 A. No, sir, I've never heard anyone say that.

14

14 THE COURT: Would y'all approach, please?

15

15 Q. (BY THE COURT) Have you had any conversation
16 along those lines at anytime during the course --

17

17 A. I have not heard anyone say they were going to
18 go along with what the majority said at any time in any
19 conversation.

20

20 THE COURT: I want to bring out Miss
21 Cokinos, but I don't want you to walk back in yet until
22 we have her out, until we make sure that's the proper
23 Stacie. And I instruct you, also, not to have any
24 conversation with anybody in the jury room about what
25 we've talked about out here. And I'll be back in a few

64

1 minutes.

2

2 STACIE COKINOS,

3

3 having been first duly sworn, testified as follows:

4

4 EXAMINATION

5

5 BY THE COURT:

6

6 Q. Would you please have a seat here? I don't
7 know if I -- is it Cokinos?

8

8 A. Yes.

9

9 Q. I am specifically directing your attention to
10 Tuesday morning of this week -- that would have been the
11 morning we came back after the long weekend, the day the
12 jury was going to be charged -- and talk about any kind
13 of incident which may have occurred in the basement of
14 this building or anywhere else. Do you recall that
15 morning coming in, before you came in to serve that
16 morning? Were you in the basement? Do you recall?

17

17 A. No. I only came to the basement my first day
18 here, that Monday, the 4th.

19

19 Q. Monday, the 4th of September, was the only day
20 you went to the basement?

21

21 A. 4th of October.

22

22 Q. 4th of October was the first day you came in
23 and went to the basement?

24

24 A. Uh-huh.

25

25 Q. At any rate, the lady who just left out of

1

1 here, Miss Walker, did you know her last name?

2

2 A. No, just today. I think it's Waller.

3

3 Q. You just know each other by first name?

4

4 A. That's correct.

5

5 Q. What do you know her first name as?

6

6 A. Katy.

7

7 Q. I have to double-check. Were you ever present
8 when there was any conversation with Miss Waller or
9 anyone else regarding what the jurors or you
10 specifically might do about the case, or what you were
11 thinking about the case?

12

12 A. No.

13

13 Q. Were you ever present when anyone discussed
14 anything concerning that a juror was just going to go
15 along with what everybody else did, or was just going to
16 go along with the majority?

17

17 A. No.

18

18 Q. The lady who, I believe, is Miss Bonilla, do
19 you know which one she is? I believe she's the pregnant
20 lady?

21

21 A. I know her by first name.

22

22 Q. Do you recall riding up the elevator with Miss
23 Bonilla and Miss Waller?

24

24 A. We did after lunch, sure.

25

25 Q. I mean, together?

66

1

1 A. Yeah.

2

2 Q. As a group, yeah. But I mean, before court
3 began in the morning, do you remember coming up with
4 those two other ladies and riding up at the same time?

5

5 A. No. We always rode out together. I don't
6 remember riding in together.

7

7 Q. Not only as to last Tuesday, but at any time
8 during the course of this trial, do you recall any
9 conversation among those people or anyone else on this
10 jury as to what they might do in this case?

11

11 A. No.

12

12 Q. Or did you ever hear anybody say they were just
13 going to go along with what the majority did?

14

14 A. No.

15

15 THE COURT: Approach, please.

16

16 I did not intend to leave the impression
17 that an allegation had been made against you by the
18 other lady that was here. We're just trying to make
19 sure I've got the names with the faces all right. I'm
20 going to ask you to go back in the jury room and
21 instruct you not to say anything to the other jurors
22 about what we talked about. I'll be back in a little
23 bit. Please go back to the jury room and bring out Miss
24 Bonilla.

25

67

1 NOHEMY BONILLA,
2 having been first duly sworn, testified as follows:
3 EXAMINATION

4 BY THE COURT:

5 Q. You are Miss Bonilla?

6 A. Yes.

7 Q. The other two ladies who got here before you,
8 do you know what their names are?

9 A. Stacie and Katy.

10 Q. I'm going to direct your attention specifically
11 right now to Tuesday morning of this week. Tuesday was
12 the day you all came back after the three-day weekend to
13 hear the arguments on the guilt stage of trial. Were
14 you in the basement cafeteria that morning or in the
15 basement area? Do you recall?

16 A. Well, most of the time I go to the cafeteria to
17 get some bread and soda or coffee.

18 Q. Before you come up in the morning?

19 A. Yes.

20 Q. Do you ever recall seeing either one of those
21 two people in the basement cafeteria at the same time
22 you were?

23 A. No.

24 Q. Do you ever recall getting on the elevators in
25 the basement to ride up with those two people?

68

1 A. No.

2 Q. Do you ever recall discussing anything about
3 this case while waiting at the elevator with any of the
4 jurors in this case?

5 A. No, because you tell us not to talk to anybody
6 about it.

7 Q. Specifically, do you recall anyone on Tuesday
8 or any other time asking anyone else what they thought
9 about the case?

10 A. No, sir.

11 Q. And do you ever recall anyone saying in
12 response to such question that that other person was
13 going to go along with the majority or do what everybody
14 else did?

15 A. No, sir.

16 Q. At anytime during the course of this trial?

17 A. No.

18 THE COURT: Approach.

19 I'm going to ask you go back in the jury
20 room, and I'm going to instruct you not to speak with
21 the others about what we talked about. I'll be back in
22 a few minutes.

23

24

25

69

1 ANGELICE MARY JOHNSON MAMOU,
2 having been first duly sworn, testified as follows:
3 EXAMINATION

4 BY MR. HILL:

5 Q. Miss Mamou, can you tell the jury whether or
6 not you can identify any of the three women we just
7 brought out?

8 A. They are the three people. Maybe if y'all
9 like -- they remember a lady with a white shirt, black
10 sweater, and a pair of black and gray pants. Maybe they
11 remember that because I was definitely right there.

12 Q. Those were the three women that you overheard,
13 and they were altogether at the same time you overheard
14 them?

15 A. Yes, they were.

16 Q. Which of the three women was the one that made
17 the comment about going along with the majority?

18 A. The blond, the shoulder-length hair.

19 Q. Miss Waller?

20 A. Miss Waller.

21 Q. And which one was it that just made the comment
22 about, What are y'all going to do?

23 A. The dark hair, short one.

24 Q. Miss Cokinos?

25 A. Yes.

70

1 Q. And then the Hispanic female?

2 A. Just agreed. They all just said okay.

3 MR. HILL: No further questions.

4 MR. MCCLELLAN: Nothing.

5 THE COURT: Is there anything else we need
6 to take up at this time?

7 MR. HILL: No, sir.

8 THE COURT: All right, sir. Would you
9 please go with the bailiff?

10 (Off-the-record discussion.)

11

12

13

14

15

16

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24

25

1 THE STATE OF TEXAS)

2 COUNTY OF HARRIS)

3 I, Pamela Kay Knobloch, Official/Deputy
4 Official Court Reporter in and for the 179th District
5 Court of Harris County, State of Texas, do hereby certify
6 that the above and foregoing contains a true and correct
7 transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the
9 parties to be included in this volume of the Reporter's
10 Record, in the above-styled and numbered cause, all of
11 which occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's Record
14 of the proceedings truly and correctly reflects the
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$ _____ and
18 was paid by Harris County.

19 WITNESS MY OFFICIAL HAND this the ____ day of
20 _____, 2000.

21 _____
22 Pamela Kay Knobloch, Texas CSR No. 1650
23 Expiration date: 12/31/2000
24 Official Court Reporter, 179th District Court
25 Harris County, Texas
301 San Jacinto
Houston, Texas 77002
713.755.6340

APPELLANT: CHARLES MAMOU, JR.
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